S. HRG. 100-475

CITY OF ROCKS NATIONAL RESERVE ACT OF 1987

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, NATIONAL PARKS AND FORESTS

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

FIRST SESSION

ON

S. 1335

TO ESTABLISH THE CITY OF ROCKS NATIONAL RESERVE IN THE STATE OF IDAHO, AND FOR OTHER PURPOSES

BURLEY, ID, AUGUST 19, 1987

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Committee on Energy and Natural Resources

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CITY OF ROCKS NATIONAL RESERVE ACT OF 1987

WEDNESDAY, AUGUST 19, 1987

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS,
NATIONAL PARKS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Burley, ID.

The subcommittee met, pursuant to notice, at 9:30 a.m. in the Burley Best Western Inn, Hon. James A. McClure presiding.

OPENING STATEMENT OF HON. JAMES A. McCLURE, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator MCCLURE. The hearing will come to order. Good morning.

It is a great feeling to be here at home in Idaho. It is too short a respite from the hurly burly of Washington. I enjoy seeing many old friends and neighbors and hope I get to visit with you.

The City of Rocks area is unique to the people of Idaho, to the people of the west, and to the entire nation due to its rich historical significance but the management of this area is not a new issue to the people of Idaho. We have had various proposals, and studies since the early 1970's.

I conducted a hearing on a bill to establish the City of Rocks National Monument in December of 1976. I know that this issue has been troublesome in finding a solution.

The bill we are introducing today is a far cry from the one introduced in 1975 for a 32,000 acre national monument. The present bill is a third of the size, to be managed and administered by the state and local people.

The acreage figure in our bill is 10,320 acres of which 3,960 acres of BLM land and 3,040 acres of Forest Service lands would be transferred to the Secretary of the Interior along with the possible acquisition of 3,320 acres of private lands if the owners agree to sell. All lands would then be transferred to state or local jurisdictions for management and administration if adequate protections are guaranteed.

The map shows a 14,300 acre study area and is the area for discussion today. And I would refer you to the two maps over here, one which has blocks of lands, and the other which is a descriptive map that shows the routes of travel of the pioneers.

We're willing to make the effort to secure the proper level of federal involvement and support, if the state and local governments agree to do their share.

The legislation we have introduced has three primary objectives. These are: First, to protect and interpret significant cultural resources. Wagon ruts dating from the 19th Century immigrant overland migration—commonly known as the California Trail—remnants of a stage line station and original homestead buildings, and pioneer inscriptions on some of the rocks are the major cultural resources that would be managed principally under this objective. Currently unprotected, these resources are vulnerable to vandalism and inadvertent damage from incompatible uses.

Second, to manage recreation use to provide a high quality recreation experience. This would be realized by managing public use of the area to eliminate conflicting recreation activities and to protect the environment from degradation due to recreation use. Indiscriminate off road (ORV) use presently conflicts with nonmotorized users and contributes to vegetation destruction and soil erosion. Indiscriminate use of firearms in the area provides obvious safety hazards for visitors.

Uncontrolled camping and hiking also contribute to resource damage through firewood cutting, tent site trenching, inadvertent trail development and subsequent erosion.

Poor climbing practices damage the rocks. Potential problems exist between the recreation visitor and private land owners in the form of trespass, property damage, and recreation use livestock conflicts.

The absence of basic developments such as toilets, drinking water, and picnic tables detracts from the visitors' recreation experience.

And, third, protect and maintain scenic quality. The present landscape generally provides an aesthetically pleasing setting in which recreation use occurs. The fact that the landscape largely appears today as it did when the pioneer immigrants passed through the area provides the modern visitor with a certain sense of kinship with events that are now historically important.

Grazing and crop production as currently practiced do not detract from the scenic quality. However, litter and modern graffiti are discordant elements in the scene and the subdivision of lots for residential development represents a potential threat to the integrity of the natural/pastoral landscape. Other potential intrusions are oil and gas development and mineral exploitation.

Uncontrolled vehicular travel contributes to the proliferation of ORV trails that now crisscross the area.

The method we have chosen to solve the problem is to take the recommendation of local citizens; a study of the alternatives presented by the National Park Service as a result of my request in the 99th Congress; and the suggestion of state and local government.

The establishment of a national reserve would formalize a federal-state-private cooperative effort to protect and develop this historic area and provide for commitment of federal and state funds with state management of the area under the terms of a comprehensive plan.

This idea has precedence in law at several areas in the country. The most notable of the affiliated areas are Ebey's Landing Nation-

al Historical Reserve, Ice Age National Scientific Reserve, and Pinelands National Reserve.

We have introduced this bill as a focusing of the discussion on the property development and protection of this nationally significant area. We have attempted to consolidate the views of the people on this issue. We welcome comment and input.

Three issues that must be addressed satisfactorily, either in the management plan or by bill language are:

First, the assurances that farming and grazing in the area that are not in high public use can be maintained without interruption or inconvenience.

Second, that no unnecessary land may be acquired to further the purposes of the reserve. My bill contemplates acquisition of 3,320 acres of privately owned land on a willing buyer-willing seller basis.

The acreage figure in my bill is 10,320 acres as follows: BLM lands 3,960 acres; Forest Service 3,040 acres. The study area is 14,300 acres, and the private lands in the area are 6,660 acres. I'm not sure if 3,320 acres of additional private lands need to be acquired as this option called for. Today's hearing will shed light on that problem.

And the second question is that of water rights. The issue of federal reserve water rights must be properly addressed to assure the western state's system of appropriation is maintained. There are certain requirements that I believe must be met in land allocation legislation.

Those requirements are: First, that Congress state what water rights, if any, it chooses to reserve as an express reservation and at the same time reject any implied reservation.

Just as we would not put landowners into perpetual limbo on the precise boundaries of a reservation, we also owe water users the obligation of identifying what precisely we are doing with respect to existing and future availability and usage.

In some instances Congress should go so far as to quantify the reservation, in others simply enumerate the purposes for which the reservation is made.

Second, that the federal government should perfect these express rights pursuant to the procedural requirements of state law.

Whether this occurs in a general stream adjudication or by direct application to the state, this is essential if the states are to be able to plan for the use of their resources and water users are to know what rights their neighbor, the federal government, asserts.

And third, that any additional rights be acquired pursuant to both substantive and procedural requirements of state law. Again, this appears to be simple fairness and respect for the state's interest and jurisdiction.

In general, I would expect the Congress to defer to the wishes of the affected state and the delegation from the state in defining the extent of the reservation, if any, much as we do in determining acreage and boundaries. My only interest is in insuring that the Congress, not the courts, determine what the intent of a measure is with respect to water.

Let me turn to the mechanics of the hearings. Copies of the bill and the witness list are available from the staff. Witnesses will be

placed in panels. I'll request that you please come up when your panel has been called. Please limit your oral statement to five minutes, so that in fairness to all we can complete the hearing in the time we have available and perhaps have time for questions.

The hearing record will be open for two weeks and additional statements may be submitted to any of my Idaho or Washington offices. Please hold on to your testimony until you are called, and then give it to the staff.

With that, we'll call the first panel. In the first panel are Mr. Reed Jarvis, Chief of Resource Management and Visitor Protection of the National Park Service, from Seattle, Washington; Mr. John Davis, District Manager of the Bureau of Land Management, of Burley; Mr. Roland Stoleson, Supervisor of the Sawtooth National Forest, of Twin Falls; and Robert Meinen, Director of the Idaho Department of Parks and Recreation, Boise, Idaho.

Welcome, gentlemen, and we'd lead off with Mr. Jarvis.

[The text of S. 1335 follows:]

100TH CONGRESS
1ST SESSION

S. 1335

To establish the City of Rocks National Reserve in the State of Idaho, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 5, 1987

Mr. MCCLURE (for himself and Mr. SYMMS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To establish the City of Rocks National Reserve in the State of Idaho, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.—This may be cited as the "City of Rocks National Reserve Act of 1987".

SEC. 2. (a) There is hereby established the City of Rocks National Reserve (hereinafter referred to as the "reserve"), in order to preserve and protect the significant cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve.

(b) The reserve shall include approximately ten thousand three hundred and twenty acres as depicted on the map entitled "Boundary Map, City of Rocks National Reserve, Idaho", numbered and dated . The map shall be on file in the offices of the National Park Service, Department of the Interior and the Offices of the Governor, State of Idaho.

(c) Within six months after the enactment of this Act, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall file a legal description of the reserve designated under this section with the Committee on Interior and Insular Affairs of the United States House of Representatives and with the Committee on Energy and Natural Resources of the United States Senate. Such legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and in the map referred to in subsection (b). The legal description shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior and the offices of the Governor of the State of Idaho.

SEC. 3. (a) To achieve the purpose of this Act, the Secretary, in cooperation with the appropriate State agencies and local units of general government, shall formulate a comprehensive plan for the protection, preservation, and interpre-

tation of the reserve. The plan shall identify those areas or zones within the reserve which would most appropriately be devoted to—

(A) public use and development;

(B) historic and natural preservation; and

(C) private use subject to appropriate local ordinances designed to protect the historic rural setting.

(b) Within eighteen months following the date of enactment of this section, the Secretary shall transmit the plan to the President of the Senate and the Speaker of the House of Representatives and to the Governor of the State of Idaho.

(c) At such time as the State or appropriate units of local government having jurisdiction over land use within the reserve have enacted ordinances or established regulations which in the judgement of the Secretary will protect and preserve the historic and natural features of the area in accordance with the comprehensive plan, the Secretary shall, pursuant to cooperative agreement—

(1) transfer management and administration over all or any part of the property acquired under subsection (d) of this Act to the State or appropriate units of local government;

(2) provide technical assistance to such State or until of local government in the management, protection, and interpretation of the reserve; and

(3) make periodic grants, which shall be supplemental to any other funds to which the grantee may be entitled under any other provision of law, to such State or local unit of government for the annual costs of operation and maintenance, including but not limited to, salaries of personnel and the protection, preservation, and rehabilitation of the reserve except that no such grant may exceed 50 per centum of the estimated annual cost, as determined by the Secretary, of such operation and maintenance.

(d)(1) The Secretary is authorized to acquire such lands and interests as he determines are necessary to accomplish the purposes of this Act by donation, purchase with donated funds, or exchange, except that the Secretary may not acquire the fee simple title to any land without the consent of the owner. The Secretary shall, in addition, give prompt and careful consideration to any offer made by an individual owning property within the reserve to sell such property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship.

(2) Lands and waters, and interests therein, within the boundaries of the reserve which were administered by the Forest Services, United States Department of Agriculture and the Bureau of Land Management, Department of the In-

terior prior to the date of enactment of this Act are hereby transferred to the administrative jurisdiction of the Secretary to be administered by the National Park Service in accordance with this Act.

(3) Lands and interest therein so acquired shall, so long as responsibility for management and administration remains with the United States, be administered by the Secretary subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and in a manner consistent with the purpose of this Act.

(e) If, after the transfer of management and administration of any lands pursuant to subsection (c) of this section, the Secretary determines that the reserve is not being managed in a manner consistent with the purposes of this Act, he shall so notify the appropriate officers of the State or local unit of government to which such transfer was made and provide for a ninety-day period in which the transferee may make such modifications in applicable laws, ordinances, rules, and procedures as will be consistent with such purposes. If, upon the expiration of such ninety-day period, the Secretary determines that such modifications have not been made or are inadequate, he shall withdraw the management and administration from the transferee and he shall manage such lands in accordance with the provisions of this Act.

(f) Subject to valid existing rights, Congress expressly reserves to the United States such water rights as may be required to carry out the primary purposes, as expressed in section 2, of the reserve created by this Act with respect to all lands withdrawn from the public domain by this Act. Such rights shall be perfected by the United States pursuant to the procedural requirements of the laws of the State of Idaho. The priority of such rights shall be as of the date of enactment of this Act. The United States may acquire such additional water rights as it deems necessary to carry out its responsibilities under this Act. Such water rights shall be acquired pursuant to the substantive and procedural requirements of the laws of the State of Idaho. Nothing in this Act shall be construed to reserve any implied water right to the United States. The transfer of lands to the administrative jurisdiction of the Secretary pursuant to section 3 shall not affect any reserved water right which the United States may have acquired for the primary purposes for which such lands were originally withdrawn to the extent such rights are consistent with the purposes for which such lands are to be administered pursuant to this Act.

(g) There is hereby authorized to be appropriated not to exceed $2,000,000 to carry out the provisions of this Act.

STATEMENT OF REED JARVIS, CHIEF, RESOURCE MANAGEMENT AND VISITOR PROTECTION, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. JARVIS. Thank you, Senator McClure. At this time, the Bureau and the Department have no position on the bill, and I'm here as a technical witness.

Senator MCCLURE. Surely. Mr. Davis.

STATEMENT OF JOHN DAVIS, DISTRICT MANAGER, BURLEY DISTRICT OFFICE, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

Mr. DAVIS. I appreciate the opportunity to appear before this subcommittee today to discuss the involvement of the Bureau of Land Management in the City of Rocks area.

The Department of the Interior is presently developing a position on S. 1335 that will be submitted to the committee at a later date. I am pleased to discuss BLM's present participation in the management of the area.

S. 1335 would establish the 10,320 acre City of Rocks National Reserve to preserve and protect the cultural resources, manage recreational use, protect and maintain scenic quality, and interpret the nationally significant values of the reserve.

The Secretary of the Interior would formulate a comprehensive plan for the preservation, protection, and interpretation of the reserve.

Lands and waters administered by the Bureau of Land Management and the Forest Service would be transferred to the jurisdiction of the National Park Service. Under certain conditions, the Secretary of the Interior would transfer management of the reserve to the State of Idaho or other appropriate units of local government.

The Bureau of Land Management presently manages 3,960 acres or 38 percent of the 10,320 acres proposed for inclusion in the reserve. This includes the 80 acres that includes the Twin Sisters rock structures, a significant geological as well as historic feature of the City of Rocks.

Public lands form the topographic backdrop for the historical and geological features of the City of Rocks. Nearly all of these features are located on lands under the jurisdiction of the State of Idaho through its State Park system, and on lands owned by private individuals.

The Bureau of Land Management has managed these public lands for many years for grazing and appropriate protection and use of the historical features of the area.

As part of its management's efforts in the City of Rocks area, BLM became a party to the City of Rocks intergovernmental memorandum of understanding in May of 1985. Since that time BLM has worked closely with the U.S. Forest Service, Idaho Parks and Recreation Department, Idaho Fish and Game Department, and Cassia County Commissioners to implement the conditions of the agreement.

BLM responsibilities include: For many years collecting garbage and removing litter from the Bureau's Twin Sister's picnic area

and performing similar maintenance functions on the Idaho Department of State Parks and Recreation's land and now implementing the "Pack It In—Pack It Out" garbage and trash management policy for the area;

Servicing rest rooms at the Twin Sister's picnic area;

Conducting environmental education programs for school groups;

Sharing in the cost of reprinting 5,000 copies of "Silent City of Rocks" brochure;

Entering into a law enforcement agreement with the Cassia County Sheriff for recreation surveillance;

Installing and collecting data from vehicle traffic counters;

Patrolling and collecting semi-weekly visitor use data;

Recruiting and supervising a recreation guard volunteer during the summer of 1986 and the spring of 1987;

Supervising the State Parks Recreation Aid in 1987;

Reconstructing and rerouting the trail system in the Twin Sister's picnic area;

Conducting joint talks with the Forest Service to high schools on vandalism problems;

Assisting the Forest Service and Idaho State Parks on erosion control projects;

Recommending a portion off the area as a research national area, an area of critical environmental concern, as an amendment to the Cassia Resources Management Plan.

In view of our knowledge and long term management of lands in this area, the Bureau of Land Management would hope to be an active participant in any future planning for management of the City of Rocks area.

Thank you.

Senator MCCLURE. Thank you.

We'll turn to Mr. Stoleson, please.

STATEMENT OF ROLAND M. STOLESON, FOREST SUPERVISOR, SAWTOOTH NATIONAL FOREST, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. STOLESON. Mr. Chairman and members of the subcommitee; I am pleased to have this opportunity to summarize the involvement of the Forest Service in the City of Rocks area. The Department of Agriculture has not yet been asked for its recommendation on S. 1335. That recommendation will be presented in testimony or in a legislative report from the Secretary of Agriculture.

S. 1335 would establish a 10,320 acre City of Rocks National Reserve to preserve and protect the cultural resources, to manage recreational use, to protect and maintain scenic quality, and to interpret the nationally significant values of the reserve.

The Secretary of the Interior would formulate a comprehensive plan for the protection, preservation, and the interpretation of the reserve. Lands and waters administered by the Forest Service and the Bureau of Land Management would be transferred to the jurisdiction of the National Park Service.

If certain conditions are met, the Secretary of the Interior would transfer management of the reserve to the State of Idaho or other appropriate units of local government.

The City of Rocks, located in southeastern Idaho, is an area of numerous rock spires, some more than 60 stories high. Named by immigrants passing through on the Oregon-California Trail in the 1850's, the historic and geologic features offer a variety of recreational opportunities. Visitors can view names of immigrants written with axel grease on one of the rocks.

The City of Rocks gained national historic significance in 1964, when it was placed on the National Register of historic places. In 1974, the natural significance of the City of Rocks was recognized when it was included on the National Registry of Natural Landmarks.

Since 1905, the Sawtooth National Forest has managed and protected 3,040 acres of the approximate 14,000 acres of land within the City of Rocks boundary as proposed by the 1986 National Park Service study. These National Forest System lands are located in the northwest corner of the reserve S. 1335 would establish.

The Forest Service, along with many others, recognizes the diverse values to be managed in the City of Rocks. Newspaper articles as far back as the 1920's have reflected the need for some form of protection for this area.

Through the years, the Sawtooth National Forest has participated in and contributed to studies and information gathering efforts in this regard. A brief chronology of recent activities includes the following highlights:

In 1964, the City of Rocks was placed on the National Register of historic places.

In 1973, an initial study was conducted by the National Park Service, and the Idaho Bicentennial Commission made a recommendation for protection of the City of Rocks.

In 1974, bills were introduced in the House and Senate to establish the City of Rocks National Monument, and the City of Rocks was included on the National Registry of Natural Landmarks.

In 1984, an interagency management group was established, and a memorandum of understanding was signed the following year. The Forest Service is an active member of this group.

In 1986, the National Park Service study was conducted, with input from the Forest Service and others.

In 1987, Senators McClure and Symms introduced S. 1335 to establish the City of Rocks National Reserve.

In 1984, the Forest Service was instrumental in establishing an interagency management group for the City of Rocks. This group involves the Bureau of Land Management, Cassia County, the Forest Service, and the State of Idaho Departments of Fish and Game and Parks and Recreation.

We have aggressively pursued the development of a memorandum of agreement between these agencies to combine efforts to protect and maintain the area and develop a comprehensive management plan.

As a result, over the past two years, a great deal of on the ground work has been accomplished. Working together, using a minimum of manpower and funding, accomplishments have included assigning and stationing of a seasonal Ranger at the City, sanitation facilities, publication of the City of Rocks public information handout, and numerous resource improvement projects.

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The Sawtooth National Forest draft plan proposes that the National Forest lands within the City of Rocks be designated as a special interest area. Under this designation, the National Forest lands would be managed for their special historic, geologic, recreation and botanical values.

In addition, the draft plan also directs continued participation with other agencies in the coordinated management and protection of this area.

Based on our knowledge of this area, and our expertise in planning and managing numerous other areas of national significance, the Forest Service would hope to be an active participant in any planning that will take place for the City of Rocks in the future.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions or provide any additional information you may desire.

Senator MCCLURE. Thank you very much. We'll next hear from Mr. Meinen.

STATEMENT OF ROBERT L. MEINEN, DIRECTOR, IDAHO DEPARTMENT OF PARKS AND RECREATION, BOISE, ID

Mr. MEINEN. Thank you, Senator McClure, ladies and gentlemen.

If I could just take a little liberty and privilege here, Senator, I'm here on a dual role. I've been asked by Governor Andrus to read into the record to you; and in addition to that, I would like to make some general comments from the written testimony that I've already given to you. So with that, Senator, I'd like to first read Governor Andrus' letter. It's addressed to you and says, basically:

Thank you for your kind invitation to your City of Rocks hearing. I have been asked by State Parks Director, Bob Meinen, to personally present this letter of support for a national reserve designation to you.

I support national reserve designation for the City of Rocks, provided that it will protect existing land uses and the interests of local residents to the largest degree consistent with proper and adequate management of the resource. In addition, national reserve designation will permit managed deer hunting, grazing, and other uses.

I support the boundaries identified in the 1987 National Park Service Study of Management Alternatives for The City of Rocks area, Map No. 6. That map delineates an overall area of approximately 14,300 acres, including a core area of 4,760 acres.

I believe that national reserve status—with its emphasis upon state and local involvement—and the relatively modest size of this proposal will allow for protection of key resources with minimal negative impact on local residents and adjacent land uses.

The 1987 study calls for the Idaho Department of Parks and Recreation to assume a central planning and management role in the event of national reserve designation. I believe that the Department of Parks and Recreation is a fine choice for this role. I am confident that the State of Idaho, in partnership with local citizens, local government, and the federal government can adequately manage the City of Rocks.

City of Rocks deserves proper management. I support national reserve designation as a way to achieve it.

Sincerely,

CECIL D. ANDRUS,
Governor of the State of Idaho.

With that, Senator, I'd like to just generally address some of my comments on the City of Rocks. I will not go into a lot of detail that I have already written into the comments that would be part of the record.

Senator MCCLURE. Your entire statement will be made a part of the record.

Mr. MEINEN. Okay, thank you, sir.

My compliments to you, first of all. I frankly wondered, eight years ago or more, when I first went to the City of Rocks, what could be done and who would step forward and take that challenge, and I really compliment you for boldly setting forth to do that.

When I first saw that area, I was astounded, and then as I researched more into the history of it, and I spent more time there, I became very enthused and very personally supportive of trying to do something to protect that area.

I won't deliberate very long on historical significance. I think there are other people more qualified than I to elaborate on that.

The natural significance is as it's stated; it's a natural landmark. We're talking rocks that are probably some of the oldest exposed rocks in the United States of America, over 2.5 billion years old, something like that.

The recreational values are something I would like to address. That area has the potential, both from the standpoint of being significant for the people that want to come in and recreate, and also has the potential of having an impact on the areas around here from a tourism and economic point of view, and I don't think we should ignore that. This is important.

The area established as the City of Rocks now, as you related in your opening comments, there are problems there; there are things occurring that need to be managed. I do compliment the U.S. Forest Service, the Fish and Game, and BLM, and the Cassia County Commissioners for jointly working with us and joining in putting what limited resources all these agencies have into trying to interimly protect that area.

But I think that we have to understand that's what it is, is an interim protection measure that all these agencies have made a commitment to try. It isn't adequate, I do not feel, for the long type management we're talking about here.

The resources as we saw, the national monument proposals that were done in the 1970's, were not publicly accepted, were not adequate.

And that brings us to the national historic reserve. I think it's an excellent way of trying to protect this area. I think it can accomplish many of the things that need to be done there. I do believe that the area needs to be up at the study level of 14,300 acres, rather than at 10,000 that was identified in the bill.

I believe that the primary emphasis should be in the area of cultural, historical, and interpretation. I think that's one subtle thing that the national historic reserve can do.

It does call for, rather than just going in and throwing some campgrounds and doing some trail developing and things like that, with the national historic reserve, there can be the emphasis put on the historical aspect. There can be the people there on the ground to manage it, and there can be the people there to bring the story alive to make this interpretation and tell people of the history and why the area is significant. I think that's an important part of the proposal that needs to be addressed.

We have seen already, with just having someone there on a limited basis there in the summertime, it's our feeling that the vandalism, the trash litter and those things have already been reduced, and that was one part of the proposal that the national historic reserve would bring forward, is it would have resident people there. And we're finding that a key in resource management.

I believe from my contacts and the inputs I've heard from the local people, that generally there is good local support for this. I believe the people understand this concept and will accept it.

We have some detailed comments in there, Senator, about we would like to see some words changed in the bill. I don't want to go into detail on those now. I think they're self explanatory.

The Idaho Department of Parks and Recreation generally—and I think the State supports the historic reserve concept and we will try to work with any form of bill and management that's set forth there to continue to protect the area. I feel what the National Park Service study has done on the basis that it's a concept; it's an overall review of the area.

Nothing in that, I think, should be set in stone. We need to get over this level, get to the legislation, and get to the management plan.

I believe also—and I don't want to be doomsday about it, but I believe that it may be the last chance for the City of Rocks to have something done and a management proposal put together. I strongly encourage you to proceed with the legislation, and I compliment you.

Thank you very much.

[The prepared statement of Mr. Meinen follows:]

TESTIMONY OF ROBERT L. MEINEN
DIRECTOR, IDAHO DEPT. OF PARKS & RECREATION

Concerning designation of City of Rocks in Cassia County, Idaho, as a National Historic Reserve.

Senator McClure, ladies and gentlemen, my name is Robert L. Meinen. I am the director of the Idaho Department of Parks and Recreation. I am here to testify in favor of the designation of City of Rocks as a national historic reserve.

I believe that we have a duty of stewardship of unique areas so that they are preserved for our children. It is important that they, like us, have the opportunity to understand their history and their heritage. City of Rocks is one of those places that needs to be protected for them.

City of Rocks was a popular resting spot for emigrants on the Oregon and California trails. Their grease writings can still be seen, most notably on Register Rock. The ruts left by their iron-rimmed wagon wheels are still visible in the sagebrush on the valley floor. At Pinnacle Pass, you can see grooves worn in the granite where the wagons were winched down the hill.

The City of Rocks is significant as a natural area as well. Here, some of the oldest exposed rock in North America -- 2 1/1 billion years old -- is weathered into a fantastic array of spires, domes, and outcroppings. City of Rocks is also the northern-most known occurrence of pinyon pine. The area is designated as both a National Historic Landmark and as a National Natural Landmark. Unfortunately, neither brings protection from the threats facing City of Rocks today.

City of Rocks is being both neglected and loved to death.

During the summer of 1986, City of Rocks was visited by travelers from 23 states and seven foreign countries -- and those are only the ones that we know about. From December 1986 to July of 1987, approximately 25,851 people visited the City. These numbers are very conservative indicators of visitation, considering spring and fall are heavy use times. With few improvements and little management to accommodate this kind of recreational use, the area has been seriously damaged. Grease writings have been covered with spray paint, vegetation has been removed, human waste and litter can be found, seemingly, behind every rock. That's not to say that City of Rocks is frequented only by vandals; while a few people respond only to the threat of enforcement, the larger problem is simply the lack of facilities with which to accommodate the visitors.

Beginning in the summer of 1986, Cassia County, the U.S. Forest Service, BLM, and Idaho State Parks cooperatively funded a seasonal employee and sited two vault toilets at the City. These efforts have helped, and I want to recognize and thank the county, the Forest Service, and BLM for their efforts. They are fine people to work with.

As sincere as all our efforts have been, however, they're like putting a band-aid on a missing limb; they're not enough to stop the bleeding.

As you are aware, there have been other proposals to designate and somehow protect the City of Rocks. The national monument proposal in the 1970's was the most notable, or perhaps I should say, most notorious. It was insensitive to local feelings, stirred up a hornet's nest, and accomplished nothing.

The national historic reserve proposal, I believe, can be sensitive to local needs, can protect the resources at the City of Rocks, and can accomplish a great deal of good. The State of Idaho wants to participate in the management of the area; national historic reserve status will allow it to. Local citizens want to have input in the management plans for the area; it will allow them to. Yet, it will also enlist the resources of the federal government, without which little can be done.

I support your bill S. 1335. I would also like to offer a few suggestions on it for your consideration. S. 1335 states that the area includes "approximately ten thousand three hundred and twenty acres". In actuality, the area identified on the maps contains approximately fourteen thousand three hundred acres. These same boundaries are shown on the maps included in the National Park Service's 1986 study and are, I believe, generally accepted as reasonable.

The study also makes reference to "periodic grants" which the Secretary of Interior will make for the operations and maintenance of the reserve. I believe that "periodic" should be changed to "annual" and that it should be specified that such grants not be for less than 50% of the annual estimated operating cost. I also believe that the Secretary should be authorized to acquire lands with other-than-donated funds. The addition of the words "by purchase," to line 13 of Section 3. (d) (1) of S. 1335 would resolve this problem.

Paragraph 3 (a) authorizes the appropriation of $2 million to carry out the provisions of the Act. I am concerned that $2 million is insufficient. A recent Supreme Court ruling has found that restrictive zoning, that is, zoning which prevents otherwise feasible land development, constitutes a taking without compensation. Restrictive zoning is an often-used land management technique in national historic reserves. It doesn't cost anything. This ruling leaves the purchase of scenic easements as the only feasible less-than-fee simple alternative for land protection. As envisioned in the 1986 study, land acquisition in the core area and development of visitor facilities would cost about $2 million. Given this ruling, scenic easements need to be purchased in the exterior area, probably taking the cost up to $2.5 million. No funds would remain to pay the federal half of the annual operating cost (about $85,000/year).

I would suggest authorizing the appropriation of $4 million. Assuming an acquisition and development cost of $2.5 million, a $4 million authorization would allow for payment of the federal share of the annual operating costs until the end of the century.

In summary, I believe the national historic reserve proposal is in the best interests of the City of Rocks and the neighboring communities. I also believe that a few, only a few, changes should be made in S. 1335.

I believe that we must act now. The status quo is clearly inacceptable. This is the City of Rocks' last chance.

Respectfully submitted by,

Robert L. Meiner, Director
Idaho Dept. of Parks & Recreation

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Senator McCLURE. Gentlemen, thank you very much. I have just a few questions.

Mr. Jarvis, I want to ask you a couple of questions because of your rather unique experience as the project's manager at Ebey's Landing, one of the three national reserves to which we can look for experience. Does the national reserve concept work well?

Mr. JARVIS. Senator, it's been my observation, and as lately as last week, I've talked to some of the people up there, it not only works well, it is continuing to work well, Senator.

Senator McCLURE. Now, you know something of the City of Rocks. Although the administration is not prepared to take a position and you're not prepared to give an administration position, do you see the various alternatives that might be applied to an area like the City of Rocks, the national reserve as the best role for an area like this? Would you prefer, personally, and based upon your experience, to see a national monument or a national park?

Mr. JARVIS. I believe you're asking me to take a position on this.

Senator McCLURE. I'm asking you for a personal opinion, not the administration.

Mr. JARVIS. Let me couch my answer in this manner, Senator. From what I've seen at Ebey's Landing, it allows a participation of the local residents—the farmers and what have you—the local governments, and the state and federal government levels, and it works out well because we're all committed to the same thing. It's interesting because we can't get into a turf fight up there at Ebey's Landing because it's all our turf. We all have a combined interest.

Senator McCLURE. Well, Mr. Meinen noted in his statement some of our past experience, as you know, and as I referred to in my opening statement, I introduced legislation several years ago to create a national monument in this area and we ran into trouble, and as a result, it went nowhere.

We found, and I still believe that it is necessary also to recognize private interests that are involved in the area, and that's perhaps the major reason we ran into trouble last time. The reserve concept gives us more flexibility to do that, does it not?

Mr. JARVIS. Yes, it does, Senator.

Senator McCLURE. Again, based on your experience at Ebey's Landing, how did the citizen trust evolve and operate?

Mr. JARVIS. The citizens trust board was originally the genesis of the idea, started with the citizens planning group. When I arrived on the scene as a representative for the National Park Service, the county and small city government had gotten together with the citizens planning group and were proceeding with their planning.

In order to do their planning, the citizens group had to learn as much as they could about the area and formed a genesis for a trust board. That's how the people were interested. Now, the citizens planning group, not a government planning group, the citizens planning group wanted to retain control, and one of the suggestions that was made is that it should be managed by a trust board which would be a part of Island County government.

In the conceptual plan that the citizens developed, they endorsed the idea of the trust board, and the National Park Service likewise endorsed it, and in our report to Congress in 1980 submitted the

conceptual plan and the conceptual plan for the citizens as a total package, and thus, the idea of the trust board was born.

About three or four years ago, the county appointed trust board members and we went to a one-year extensive training program of what one has to do in land management. And since then the trust board has developed management guidelines for the area which will form a basis for a contract with the National Park Service for the administration of the area.

So the trust board idea is not unique in that it was transplanted from an English concept of national parks and has worked both successfully in England and at Ebey's Landing.

Senator McCLURE. You think that concept would work well here?

Mr. JARVIS. If the intent, Senator, would be to involve the local people to a high degree of management, the trust board concept as practiced at Ebey's Landing could be very successful.

Senator McCLURE. Now, was the citizens trust board provided for in the legislation?

Mr. JARVIS. No, Senator.

Senator McCLURE. Every once in a while you become constructively creative?

Mr. JARVIS. I couldn't have said it better, sir. The legislation was brilliantly written for us to interpret and the key phrase in the legislation said it would be managed by a unit of local government.

And as soon as the citizens planning committee picked up on what is a unit of local government, they said a trust board could be a unit of local government, and we checked with the county and the county agreed and we agreed, and we said, "Let's try the trust board."

Senator McCLURE. Well, I think there is a great advantage to having local citizens involved meaningfully, gives them a heightened interest; it gives them a sense of responsibility and gives a great deal of support to the managers of the area to have local citizens involved in a very positive way.

We have similar language in this bill, but it doesn't specifically say anything about a trust board. I would judge your comments to indicate that this kind of language is broad enough to permit, but not to require, the creation of such a board.

Mr. JARVIS. After reading it, Senator, I interpret it the same way.

Senator McCLURE. Okay. Mr. Meinen, you've included in your statement some visitation figures.

Mr. MEINEN. Yes, sir.

Senator McCLURE. Those visitation figures are based upon actual count, are they not?

Mr. MEINEN. Senator, the visitation figures that we quoted in the paper that I gave you, the 25,851, if my memory serves me right, those are actual figures that were taken from car counts of the area and, as I believe John Davis indicated, we have cooperatively worked together and had a resident person onsite, and that person has visually tried to count and confirm that those are either accurate or inaccurate. We feel pretty comfortable with that.

When you consider there's 25,000 people entering that area for recreational reasons, whether they're there for history or rock climbing or what, and we have virtually no facilities there, I think

you can start to realize that that's having a tremendous impact on the area and we need to have something done.

Senator MCCLURE. Are the figures accurate enough and have they been kept long enough to detect trends in visitation?

Mr. MEINEN. I would say right now—and maybe John Davis or Mr. Stoleson from the U. S. Forest Service can either verify or contradict me on this—that our figures were just now on a consistent basis the last couple of years, trying to be consistent on our collection. What the previous estimations are are just that, estimations. I think the last couple of years we feel fairly comfortable. I believe last year our total was in excess of 30,000 visitations; is that correct?

Mr. DAVIS. Yes.

Mr. MEINEN. So if we're looking now from December of 1986 to July of 1987 and we're at over 25,000, we're looking at a good season clear through October, because that area is very, very popular for hunting and also very popular for fall colors and fall visitation. I think we'll exceed that 30,000 figure easily this year.

And so I would rely on the last couple of years because we have been there trying to collect it there.

Senator MCCLURE. Mr. Davis, can you add anything to that?

Mr. DAVIS. Well, what we've had is magnetic counters out there, buried in the road surface, and we try to correlate the number of people for vehicle and passenger, and we feel that in the last 18 months we have pretty good data.

Senator MCCLURE. And is the trend upward? Do you see increased use of the area?

Mr. DAVIS. Well, our data is not a long enough period, but I think kind of intuitively we feel that the area is becoming more and more known and people are coming in.

Rock climbing publications have mentioned the area; that draws people from all over the country, so we think it is up.

Senator MCCLURE. Mr. Stoleson?

Mr. STOLESON. In talking with the seasonal employee we have up there this past summer, there are differences this year than last year, but to indicate any kind of trend relying on the basis of two years, I don't think we can do it at this point in time.

Senator MCCLURE. Thank you very much. I'm confident personally from conversations with local people about it, that visitation is rising, and I think if you just use a percentage mark of 11 years ago, which was the last formal hearings on it, there's a contrast between the visitation use estimates at that time and what we are experiencing now.

I think a designation, along with better management, is going to stimulate additional use. And I would agree that it is getting more national prominence all the time and that will certainly cause more usage. And if it causes more usage, it also requires some more management. So I think they go hand in hand, really. I appreciate your testimony.

I might just note for the record, I'm told, Mr. Meinen, that you're about to leave us for the State of Kansas, and that Kansas may be gaining what Idaho loses.

Mr. MEINEN. Yes, sir, that is correct.

Senator MCCLURE. It's been a pleasure having you here, and we wish you well in the next step in your career in the State of Kansas.

Mr. MEINEN. I hope it works out, and don't give me up for lost yet. I'll come to my senses.

Senator MCCLURE. Well, I suspect you've been adequately affected and you'll return. Before you leave, just point out one thing in relation to the map. For those who can see the map, the color coding may have some significance. The green portion in the upper left-hand corner is that of the Forest Service. I don't know why it is, but the Forest Service always shows up in the map as green.

The Bureau of Land Management is the brown areas. The State land is the grey area in the core and the yellow are the private lands within the study area. The area bounded in the red line is what is known as the core area.

The bill as it is introduced carries all of the Forest Service, State, and BLM lands in the study area and includes all the private lands with the exception of those on the south and a little on the southeast and southwest. The significance—and that means the differences between the 10,000 acres and the 14,000 acres—the significance of the southern portion that is not included in the bill and should be delineated with some preciseness here, is that the old Salt Lake cutoff, or what's become known later as Kelton Road, that intersected the California cutoff is located in that area, and the stage coach station that was established at that junction lies south of the core area and is not in the area included in the bill.

And it is to be included if that portion of the trail and its significance is to be included within this management structure, the bill would need to be amended to include that acreage in the south. I think that's correct. I see some nods over here, and I just want to get that on the record, the significance of the difference between 10,000 acres and 14,000 acres.

Gentlemen, thank you very much.

Panel No. 2: The Honorable Laird Noh, State Senator from Kimberly; the Honorable Denton Darrington, State Senator from Declo; Mr. Phil Reberger, representing my colleague, the Senator from Idaho, Steve Symms; and Mayor Ken Fronk from the City of Burley.

Mr. Noh, you're first, and I expect you're ready.

STATEMENT OF HON. LAIRD NOH, IDAHO STATE SENATOR, KIMBERLY, ID

Senator NOH. Thank you, Senator McClure. I can't say I'm ready because I didn't sign up to testify. I would like at this time, however, to defer to Senator Denton Darrington, and if there are—I have reviewed the materials fairly carefully and do have some concerns in the terms of the State of Idaho's perspective, and if some of those aren't covered, I would comment at the end.

Senator MCCLURE. All right.

[Subsequent to the hearing, Senator Noh submitted the following letter:]

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AND WELFARE

TRANSPORTATION

Idaho State Senate

CAPITOL BUILDING
BOISE

September 1, 1987

Honorable Jim McClure
Subcommittee on Public Lands, Natioanl Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Re: City of Rocks National Reserve Act (S. 1335)

Dear Senator McClure:

1.) The National Historic Reserve concept is excellent. But, to succeed an unusual degree of cooperation among federal, state and local entities is required. Attention to communications will be essential. Leadership and coordination will be required. I am impressed with the skills of the National Park Service personnel in forging the program at Ebey's Landing. The City of Rocks may be more challenging and difficult because of the number of federal agencies involved.

2.) The various partners, particularly state and local government, must review the adequacy of their authorities to carry out their responsibilities under the act.

3.) Emphasis throughout the legislation should be upon acquisition of easements (development rights, etc.) rather than land.

4.) The financial roles of the partners need clarification to insure committments are met and that disagreements do not result in the future.

5.) Cooperation among federal agencies may be the greatest challenge to success. Section 3 (d)(2) should be reviewed to be sure it is the best approach to insuring this cooperation. It might be better to maintain authority and operate under cooperative agreements further into the process. Greater flexibility may be needed. Section 3(d)(3) is unclear in whether it refers to acquisitions under (1) or (2).

State Senator Darrington and I are always availible to help in any way possible.

Your vision and dedication in protecting the natural treasures of our state are very much appreciated.

Respectfully yours,

Laird Noh

Laird Noh
Chairman
Idaho Senate Resources and Environment Committee

STATEMENT OF HON. DENTON DARRINGTON, IDAHO STATE SENATOR, DECLO, ID

Senator DARRINGTON. Thank you, Senator McClure. It's been 11 years since you and I have faced each other at this type of a hearing before, and I want you to know today that I support the national reserve concept as much as I opposed the national monument concept 11 years ago.

Having recently visited Ebey's Landing National Reserve on Whidby Island, I can see that this concept would allow the ranching operations to continue and provide the protection and management necessary to cope with the people pressures in the City of Rocks, and point out, Senator, that on Ebey's Landing, as you know, and as many of these people don't know, there's farms in the middle of that land, cabbage farms and corn farms and dairy farms. We've visited those farms with the commissioners and with the trust board, and it's a good concept.

Senate Bill 1335 does several important things that I'm pleased with, Senator. The concept of willing seller, willing buyer protects the ranchers. Provisions are in the bills for transfer to a state or local agency for management. My preference is the State Park Service. This bill also provides a startup appropriation. Those are useful things and good things in the bill.

Having met twice, Senator, with the residents of Almo, with members of your staff, as you know, in public meeting to consider the bill, I can report that not one person at those well-attended meetings expressed opposition to the reserve concept. I think that's rather significant.

However, Senator, many of those ranchers, as well as myself, have some concerns with perhaps omissions in the bill, and they are as follows, and I will enumerate eight particular things, four or five of which are more important than the others.

The first thing, on line 8, page 1—and I'm speaking to the bill directly. I hope you can appreciate that. You probably can, having been there.

Senator MCCLURE. I can indeed, but it's unusual to find a state legislator who reads the bill. I was afflicted with the same reputation when I served in the state legislature, so I appreciate it.

Senator DARRINGTON. I would insert, "and historic" between the words "cultural" and "resources." It seems to me, really, we're talking about a histor.. reserve. That's what the historic reserve was that was authorized by Congress a few years ago.

No. 2, on subsection 6 of Section 2 on page 2, I would like to see the "core" described, as well as the boundaries of the reserve in the bill. I have no point of view on an appropriate size for the reserve or the core, but would think they ought not be larger than necessary to protect the historic and geologic resources. And I would indicate that either the 10,300 or the 14,000 plus would meet with my approval.

I would point out that a 4,700 acre core, though, if you travel that in miles, is seven square miles, so it is a relatively large area.

No. 3, somewhere in the bill I would like to see grazing, hunting, and trailing of cattle protected so that the ranchers are not left to the decisions of an agency. Now, there may have to be some excep-

tions with regard to hunting in the middle of the core somewhere, but it's a pretty good sage grouse area and deer area.

But those ranchers have some legitimate concerns about the continuation of the grazing rights and the trailing of cattle from the west valley back over to the Almo country, and that ought to be allowed to continue in historic ways, as they have always done, right through the City of Rocks, because it's the way they have to get from one range to another.

No. 4, on line 8, page 4, after the word "exceed," I would like to insert "or be less than" 1950 percent, because we know that under the reserve concept, the federal government cannot participate greater than 50 percent, but we'd like to lock them in by saying they will not participate at less than that rate.

No. 5, on line 13, page 4, after the word "donation," I would insert the word "purchase," and then go ahead, purchase with donated funds. Some of us wonder if that wouldn't make it more clear with regard to the authorization to purchase.

No. 6, Senator, I have a question with regard to lines 19, 20, and 21 on page 4. Does the language mean that any purchase would be on an adversarial basis? It seems to me that is not the intent. I would like to see clarification in this area and in the area of how federal money may be used for land procurement.

No. 7, I would like to see provisions in the bill for an advisory committee including local—and I have there Almo residents and a statement of who would appoint the advisory committee. There's some reference to the local units of government being represented, but not to the citizenry. Emphasis on the advisory committee ought to be on Cassia County citizens, and those Almo people ought to have a large part in that. You've kind of indicated that in your statements a few moments ago.

The last thing, Senator, I think this is rather important for the protection of the ranchers in the area, I would like to see a statement in the bill something to this effect: For the maintenance of current and traditional agricultural practices, because in the past in that area they have sprayed brush, they've used certain grazing rotational patterns, they have moved cattle from place to place, used certain types of fence building. I would like to see their interests protected with some kind of a statement to that effect.

And lastly, along the same line, I would like to see some protection for the ranchers against any expenses that they might be required to incur by a management agency, such as certain types of fencing and so forth, that some agency may impose upon them. I think they're ranchers, and I think I would be more comfortable if some of these things were spelled out in simple form in the bill and not be left to the regulators.

Senator McClure, I see no reason why a reserve won't work in the City of Rocks, and I believe it would be compatible with the ranching operation. Not one person has expressed opposition to this plan to me. The ranchers really need a little more protection in the bill so their fate is not left in the hands of the regulators.

Senator, you have my full support, and I will do everything that I can as a citizen, and as a state senator, to help with the formulation and bringing about of this plan and this concept.

[The prepared statement of Senator Darrington follows:]

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Idaho State Senate

CAPITOL BUILDING
BOISE

City of Rocks Hearing

Wednesday, August 17, 1987
Burley, Idaho

Senator McClure:

I support the National Reserve concept for the City of Rocks as much as I opposed making the area into a National Monument eleven years ago.

Having recently visited Ebeys Landing National Reserve on Whidby Island in Puget Sound, I can see that this concept would allow the ranching operations to continue and provide the protection and management necessary to cope with the people pressures in the City of Rocks.

S. 1335 does several important things. The concept of willing seller, willing buyer protects the ranchers. Provisions are in the bill for transfer to a state or local agency for management. My preference is the State Park Service. This bill also provides a start up appropriation.

Having met twice with the residents of Almo in public meeting to consider the bill, I can report to you that not one person at those well attended meetings expressed opposition to the Reserve concept. They have some concerns with omissions in the bill as do I. They are as follows.

(1) On line eight page one I would insert "and historic" between the words cultural and resources.

(2) On subsection 6 of Section two on page two I would like to see the "core" described as well as the boundaries of the Reserve. I have no point of view on an appropriate size for the reserve or the core but would think they ought not be larger than necessary to protect the historic and geologic resources.

(3) Somewhere in the bill I would like to see grazing, hunting, and trailing of cattle protected so that the ranchers are not left to the decisions of an agency.

(4) On line eight page 4 after the word exceed, I would like to insert "or be less than" 50 percent.

(5) On line 13 page 4 after the word donation, I would insert the word "purchase," pu...ase with donated funds.

(6) I have a question with regard to lines 19, 20, 21 on page 4. Does the language mean that any purchase would be on an adversarial basis. It seems to me that is not the intent. I would like to see clarification in this area and in the area of how federal money may be used for land procurement.

(7) I would like to see provisions in the bill for an advisory committee including local (Almo) residents and a statement of who would appoint the advisory committee. Emphasis on the advisory committee ought to be on Cassia County citizens.

(8) For the protection of the ranchers I would like to see a statement in the bill for the "maintenance of current and traditional agricultural practices." I would also prefer some protection for the ranchers against any expenses they might be required to incur by a management agency such as certain types of fencing, etc.

Senator McClure, I see no reason why a Reserve won't work in the City of Rocks and I believe it would be compatible with the ranching operations. Not one person has expressed opposition to this plan to me. The ranchers really need a little more protection in the bill so their fate is not left in the hands of the regulators.

You have my full support and I stand ready to help in every possible way.

Respectfully submitted,

Denton Darrington
Senator, Dist. 24A

82-148 O - 88 - 3

Senator McCLURE. Thank you very much, Den. Phil.

STATEMENT OF HON. STEVE SYMMS, A U.S. SENATOR FROM THE STATE OF IDAHO, AS PRESENTED BY PHIL REBERGER

Mr. REBERGER. Mr. Chairman. I'm here as the Senator's chief of staff to present his statement, and his statement is as follows:

Mr. Chairman, the Senate Energy Committee and its subcommittee on public lands, under your strong leadership, should be commended for seeking the comments of the people of Cassia County on Senate Bill S.1335. In my opinion, these hearings are more important to the bill's final passage than any other action of Congress.

The bill, of which I am an original cosponsor, establishes a City of Rocks National Reserve and, if enacted, would set up a system to preserve and protect significant cultural resources; to manage recreational use; to protect and maintain scenic quality; and to interpret the nationally significant values of the reserve.

As you well know, Mr. Chairman, the part of Cassia County in question certainly merits being managed for these objectives. Centered around the natural landmark of the Silent City of Rocks, the area has both a unique natural, as well as cultural heritage. The rock formations for which the area is named are the result of thousands of years of wind and rain carving on granite stone. This awe-inspiring feat of nature captured the eyes of the early pioneers.

Now, as a distinguished landmark of the California Trail, the City of Rocks stands as a monument to the perserverance of those men and women who dared to make their livings in what was then the hostile and unsettled west.

I doubt if any resident of Cassia County, or of Idaho for that matter, would question the need to recognize and protect this historic landmark. The creation of a national reserve is the best way to achieve this protection. For one thing, the designation itself is almost as unique as the area's windblown rock.

The Bureau of Land Management study plan identified only three other national reserves in the entire United States. This uncommon designation allows for management by a special partnership of federal, state, and local governments working together with private land owners. The flexibility of the land management resulting from such a partnership is what makes a federal reserve designation so appropriate for the City of Rocks.

Many of the pioneers who came up the California Trail were looking, not for gold, but for land. The availability of land in the west meant a chance for a better, more prosperous livelihood. To the pioneer, wealth came out of the ground. Grazing sheep and cattle, tilling and planting crops were more than just a way to get food; they were an integral part of pioneer life.

Mr. Chairman, to impose government limitations on those activities within the City of Rocks would ignore the heritage for which the monument stands. However, the flexibility of a national reserve would allow agricultural activities to continue. Vandalism could be sharply penalized, recreation could be carefully promoted, but legitimate economic use of the land would not be prohibited.

This is particularly important since the committee is considering encompassing a substantial number of acres of private land in the reserve. Even though a federal reserve is jointly managed, the Secretary of Interior must require state and local units of government to adopt procedures to protect and preserve the historic and natural features of the area.

The Interior Department in Washington, D.C. may have more restricted ideas of what this involves than do the common sensed people of Cassia County. Because of this, S.1335, as drafted, only approximates a number of acres to be included in the reserve, and leaves blank spaces where it would identify which acres those are.

That is why these hearings are so important. The committee should use the information gathered here before determining which lands to include in the reserve. There are at least 19 private land owners and 6 grazing permit holders in the area currently under consideration by the committee. Not all of those individuals may be fully aware of the land use limitations that might accompany a national reserve designation.

They should each have a chance to review the proposal before the committee makes its final recommendation to the Senate. Even with all of its management flexibility, it would be quite a shock to wake up one morning to find your back yard designated a national reserve.

Again, Mr. Chairman, I commend you for these hearings and for your efforts to move legislation which would recognize and protect such a historic and naturally

significant part of Idaho. As always, please count on me for whatever assistance may be necessary to move the City of Rocks National Reserve back through the Senate.

That concludes Senator Symms' statement.

Senator McCLURE. Thank you very much. Mayor.

STATEMENT OF KENNETH E. FRONK, MAYOR, CITY OF BURLEY, ID

Mr. FRONK. Thank you, Mr. Chairman. As the mayor of Burley, I appreciate the opportunity to testify before you in favor of your bill to establish the Silent City of Rocks National Reserve in the southern part of Cassia County, Idaho.

This subject has been discussed for most of the 40 plus years that I've been a resident of the county. However, one condition exists now that has not before. The condition I speak of is that each of the governmental agencies involved; that is, the Bureau of Land Management, the U.S. Forest Service, the Idaho Parks Service, the Idaho Department of Fish and Game, Cassia County, and the cities of Almo, Oakley, Delco and Burley; plus the private property owners and ranchers essentially agree on the enactment of your legislation and the way it has existed, and we shouldn't miss this opportunity to act on it.

Your bill is right on target and very timely. We recognize that you have been a long time supporter of the unique and historically valuable natural area and appreciate your efforts in our behalf.

I would like to make, if I could, just a few suggestions. First, in the official nomenclature of your bill, it says City of Rocks. I suggest that the word "Silent" be added to the official name, thus becoming the "Silent City of Rocks," as I noted on a brochure that I handed in with my comments. It has long been referred to in this manner locally and possibly has a certain mystique to the name. Also, Gooding County has another City of Rocks, and this would help eliminate the confusion of two areas which are relatively close having identical designations.

Second, there needs to be serious consideration given to the approach roads to the area. There are three miles of gravel road from Almo on the east, and 17 miles of gravel road going up Birch Creek from Oakley from the northwest. There is an immediate need for upgrade of these two approach roads. With a 1986 road count of 37,000 vehicles and the expected increase the national reserve designation will bring, the need is very real for an upgrade program and Cassia County does not have the resources to make those needed improvements.

Also, some future thoughts need to be given to one or two routes from Utah from the south.

The third suggestion is the ceiling of $2 million may be a little conservative and we feel that, if nothing else, a change in the language, "not to exceed," in subsection G to section 3 would be appropriate.

Fourth, the management and administration should be transferred to the Idaho Department of Parks and Recreation. They have a first-hand knowledge of the needs and requirements for the public use, the historic and natural preservation, and the private

use of the area. And the idea of a citizens trust committee is certainly an excellent addition to this plan.

This is a tremendous project and has been going for many years, and at this point we applaud very much your efforts and support you 100 percent.

Senator McCLURE. Thank you very much, gentlemen.

Laird, I understand that you have expressed some concern about whether $2 million is adequate.

Senator NOH. Senator McClure, that is true. I also have a little concern with the wording on page 4 that indicates the federal part of the commitment might be limited to periodic grants. There might be some need to pin that down a little more precisely, since the expenses will go on on an annual basis. That is true.

Senator McCLURE. Denton, I want to refer to a number of your very excellent suggestions that appear in your testimony. I want to refer particularly to Point No. 6 for a moment, because I think your concern is well taken, but this language is intended to protect the land owners, to provide them an option if they have a problem, and the only requirement for the notification of the Secretary is, I think, a very obvious necessity, if the land owner exercises an option or wants to, that the Secretary has to know it.

If that language isn't clear, certainly we want to clarify it, but it is language which has been used in other legislation which has a similar motivation.

Senator DARRINGTON. Senator, not being familiar with the nomenclature that you and Congress used to describe these types of things, but this question was raised in a public meeting in Almo. We just want to make sure that buying and selling is not an adversarial relationship, and if that means it's a friendly relationship, that's fine.

Senator McCLURE. It's even more than that. Where that friendly relationship begins to break down, the land owner has a certain option to get out of what might develop into an unfriendly relationship. That's the intent of the language.

Senator DARRINGTON. Senator, I raised that particular point as a question and you have answered it.

Senator McCLURE. And I would make a suggestion with respect to your Point No. 8, and I think it's an extremely valuable and important point. If we add language that says, "Maintenance of current and traditional agricultural practices."

The delineation of things of the kind that you mentioned in your statement are very important to the interpretation of that language, and the more fully we can state what those traditional practices have been, the more protection there would be for those practices.

Senator DARRINGTON. Senator, I think those ranchers just want to make sure they're not left at the whims of some agency down the road, because people change in those agencies, and the regs and rules change.

Senator McCLURE. Yes, sir.

Senator DARRINGTON. And they'd like to see some of these things locked in the bill.

Senator McCLURE. I would invite you and others to submit to the Committee information as to some of those specific practices that

you have in mind, just as you did in your oral statements, so that the record indicates what it was you had in mind, and what those words mean, if they're added to the legislation, because I think it's a very valid point. But simply to use the words doesn't necessarily define what's meant by them.

I would say to Senator Symms and to you, Phil, for conveyance, but more directly to the people of the audience here today, that I very much appreciate not only this statement, but the support he gives the legislation. I don't think any senator has ever had a more congenial colleague, a guy that's easier to work with than I have in my colleague, Steve Symms. It's just a joy to work with him. I have never had a minute's trouble with him, although a time or two he's disagreed. Of course, he was wrong when he did.

Mr. REBERGER. I'll convey that to him.

Senator MCCLURE. I'm sure he'll appreciate it.

Gentlemen, thank you very much for your testimony here today.

We'll now turn to Panel No. 3: Mr. Nick Cozakos of Burley; Mr. Paul Matthews, President of the Burley Area Chamber of Commerce; and John Adams, Cassia County Commission.

STATEMENT OF PAUL MATTHEWS, PRESIDENT, BURLEY CHAMBER OF COMMERCE, AS PRESENTED BY NICK JAMES COZAKOS

Mr. COZAKOS. Senator, it appears that I'm the panel. The Cassia County Commissioners are tied up with the Cassia County Fair and the parade that's currently taking place and couldn't be here, so they asked that I give their testimony.

Senator MCCLURE. Surely.

Mr. COZAKOS. Mr. Matthews, the President of the Burley Chamber of Commerce, is ill and he asked me to speak for him this morning.

Senator MCCLURE. I'm glad to have one hearty survivor out of the group.

Mr. COZAKOS. If I might just take a moment with your permission, Mr. Matthews and the Burley Area Chamber of Commerce have a little presentation they would like to make to you this morning.

We have a lot of talent in the county and sometimes we don't take advantage of the talent that we have here. One of the members of the Chamber is a very capable and talented photographer, and he has a presentation that he would like to make on behalf of the Burley Area Chamber of Commerce. And Ralph Holmes, we'd like to have him present you with a photograph of the Silent City of Rocks.

Mr. HOLMERS. Thank you. We thought you might like a little—if I can get it out of the package here—we decided if we give you this photograph, you'd probably take it and put it in the drawer, so we framed it so you can hang it on the wall, on behalf of the Chamber of Commerce.

Senator MCCLURE. Thank you very much. I appreciate that.

Mr. COZAKOS. Since Paul Matthews, President of the Burley Area Chamber of Commerce, is not able to be here, I'd just like to summarize his statement briefly.

Essentially, he supports the bill as it is presented and indicates the vital importance of that bill in creation of the national historic reserve to the business community and trade area that the chamber represents.

The authority to protect and develop this vital resource is long overdue, and we appreciate the senator's efforts and diligence to provide protection and management for the City of Rocks.

This much needed legislation gives this unique natural area the national status it deserves and provides the vehicle for its orderly development and management.

We would suggest that there be local input to the development of the comprehensive plan and suggest that once the plan is completed, the administration and management responsibility be given to the Idaho Department of Parks and Recreation.

Provisions should also be made to monitor the roads leading into the reserve, since they are the vital link from the outlying communities and the reserve. The information collected should be a part of the comprehensive plan.

The bill has addressed and provides for continuation and protection of existing uses and prior rights, and we support this provision.

In addition, the name of the area should be the Silent City of Rocks. This appears on various maps and has been common usage over the years. More important, it will avoid confusion over another area referred to by a similar name in Gooding County.

We thank the senator for the opportunity to testify in support of the national reserve legislation for the Silent City of Rocks and urge passage of the bill. Signed, Paul Matthews, President for the Area Chamber of Commerce.

STATEMENT OF JOHN ADAMS, REPRESENTING THE CASSIA COUNTY COMMISSION, OAKLEY, ID, AS PRESENTED BY NICK JAMES COZAKOS

Mr. COZAKOS. The Cassia County Commissioners have submitted a joint testimony, and it's signed by Weldon Beck, Chairman of the Commission; Norman Dayley, Commissioner; and John Adams, Commissioner. John Adams also serves on the joint coordinating committee that is currently in place providing some guidance management for the City of Rocks.

Senator McClure, we express our thanks to Senator McClure for the opportunity to give testimony at this hearing pertaining to making the City of Rocks a national reserve.

The City of Rocks area is situated in the south part of Cassia County. It has been a favorite area for local residents to relive a bit of national history, climb rock, picnic and camp and enjoy the interesting geological rock formations.

In the past few years the use of the City of Rocks in this area has increased to the point where public use is infringing upon some of the private land owners.

Through cooperation between the Bureau of Land Management, the Forest Service, Idaho Park Service, Idaho Fish and Game and Cassia County, we have been able to relieve some of these problems. However, today public use and interest seems to be on a na-

tional scale and, therefore, it is very appropriate that the City of Rocks be made into a national reserve.

The historical significance of this area is very important and we are concerned about the degradation of the area.

We urge the passage of the bill which would create a national reserve.

STATEMENT OF NICK JAMES COZAKOS, BURLEY, ID

Mr. COZAKOS. Senator McClure, I am here this morning to speak in support of legislation you've offered for the creation of a national historic reserve for the Silent City of Rocks, Cassia County, in south central Idaho.

I offer this testimony on my own behalf, as a private citizen with 32 years of experience as a natural resource manager, most of that with the Bureau of Land Management, the last 13 of which were spent as district manager of the Burley District.

I also chair the eight-county regional travel committee, under the auspices of the Idaho Travel Council. I serve as executive director of the Burley Area Chamber of Commerce, have owned and operated my own business in Burley for some eight years.

In more recent times, I have been an associate with Chinook Northwest, Inc., a private consulting firm dealing with wild land management and resource issues.

The Senator should be applauded for the formulation of this bill and his long time interest in the City of Rocks.

I know that the Silent City of Rocks is a unique resource, having historic importance, geologic and scientific attributes and scenic qualities of local, regional, and national significance, and it is worthy of emphasis and designation as a national reserve.

I support the bill as it is presented with the following additional points:

One, the most important objective must remain the identification and protection of the resource, and to halt the degradation of the City of Rocks area.

Two, the need for the Department of Interior to coordinate and allow input from the local citizenry and local government in the formulation of the comprehensive plan.

Once the comprehensive plan is in place, that management responsibility be placed in the hands of state government, specifically the Idaho Department of Parks and Recreation.

Some place in the near future it is very important that there be a close examination of the approach roads to the reserve. Two approaches need to be assessed, three miles of road from Almo to the site, and 17 miles of road from Oakley down Birch Creek to the site. Both location and funding issues must be addressed.

In addition, the comprehensive study should include traffic use of the approach road, and monitoring for funding assessment.

It appears that the $2 million funding authorization level is conservative and may not be adequate for the long range implementation of the program. I make an appeal at this time that this be further studied and the funding authorization have some flexibility for increase.

I believe that some thought needs to be given to inclusion of Indian Grove within the boundaries of the reserve. This area has significant historic value and may be important in future development of the reserve.

A great many visitors have enjoyed and are enjoying the Silent City of Rocks, and this use is growing. Last year 37,000 visitors enjoyed this scenic area and the number grows. It is imperative that the scenic quality and recreation experience of the visitor be lasting and memorable. Therefore, management of the scenic resource remains a primary objective.

The Silent City of Rocks is of prime importance to the travel industry of the local area and the region. Visitor dollars are a definite economic boost to the local economy. Our rural areas are realizing the significance of tourism as an added value to the local economic base. Current thrust in cultural tourism makes the City of Rocks a significant asset to that segment of the travel industry.

In summary, we have an opportunity, finally, to properly identify and protect one of the most unique resources in our area. For the first time, after many years of trying, there is a common unity among diverse interest to bring together an effort to properly recognize the Silent City of Rocks.

This unique area has and holds the very roots of our culture, and very little is known and documented in comparison to what is actually there on the site and what information and knowledge could be accumulated and disseminated.

Now is the time for national legislation for the City of Rocks, and we must all diligently pursue this opportunity.

I thank you.

[The prepared statement of Mr. Cozakos follows:]

TESTIMONY OF
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SUBMITTED TO: SENATOR JAMES A. MCCLURE
U.S. SENATE FIELD HEARINGS
FOR: A BILL TO ESTABLISH THE
CITY OF ROCKS NATIONAL RESERVE

SILENT CITY OF ROCKS - IN SOUTH CENTRAL IDAHO
FOR CREATION OF A NATIONAL HISTROIC RESERVE

HELD IN BURLEY, IDAHO AUGUST 19, 1987 - BURLEY INN

SENATOR MCCLURE, I AM HERE THIS MORNING TO SPEAK IN SUPPORT OF THE LEGISLATION THAT YOU HAVE OFFERED FOR THE CREATION OF A NATIONAL HISTORIC RESERVE, FOR THE SILENT CITY OF ROCKS, CASSIA COUNTY, IN SOUTH CENTRAL, IDAHO.

I OFFER THIS TESTIMONY ON MY OWN BEHALF, AS A PRIVATE CITIZEN WITH 32 YEARS OF EXPERIENCE AS A NATURAL RESOURCE MANAGER, MOST OF THAT WITH THE BUREAU OF LAND MANAGEMENT, THE LAST THIRTEEN OF WHICH WERE SPENT AS DISTRICT MANAGER OF THE BURLEY DISTRICT. I ALSO CHAIR THE EIGHT COUNTY REGIONAL TRAVEL COMMITTEE, UNDER THE AUSPICES OF THE IDAHO TRAVEL COUNCIL, I SERVE AS EXECUTIVE DIRECTOR OF THE BURLEY AREA CHAMBER OF COMMERCE, HAVE OWNED AND OPERATED MY OWN BUSINESS IN BURLEY FOR SOME EIGHT YEARS.

IN MORE RECENT TIMES, I HAVE BEEN AN ASSOCIATE WITH CHINOOK NORTHWEST, INC., A PRIVATE CONSULTING FIRM DEALING WITH WILDLAND MANAGEMENT AND RESOURCE ISSUES.

THE SENATOR SHOULD BE APPLAUDED FOR THE FORMULATION OF THIS BILL AND HIS LONG TIME INTEREST IN THE CITY OF ROCKS.

I KNOW THAT THE SILENT CITY OF ROCKS IS A UNIQUE RESOURCE, HAVING HISTORIC IMPORTANCE, GEOLOGIC AND SCIENTIFIC ATTRIBUTES AND SCENIC QUALITIES OF LOCAL, REGIONAL, AND NATIONAL SIGNIFICANCE AND IT IS WORTHY OF EMPHASIS AND DESIGNATION AS A NATIONAL RESERVE.

I SUPPORT THE BILL AS IT IS PRESENTED WITH THE FOLLOWING ADDITIONAL POINTS:

1. THE MOST IMPORTANT OBJECTIVE MUST REMAIN THE IDENTIFICATION AND PROTECTION OF THE RESOURCE, AND TO HALT THE DEGRADATION OF THE CITY OF ROCKS AREA.

2. THE NEED FOR THE DEPARTMENT OF INTERIOR TO COORDINATE AND ALLOW INPUT FROM THE LOCAL CITIZENRY AND LOCAL GOVERNMENT, IN THE FORMULATION OF THE COMPREHENSIVE PLAN.

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3. ONCE THE COMPREHENSIVE PLAN IS IN PLACE, THAT MANAGEMENT RESPONSIBILITY BE PLACED IN THE HANDS OF STATE GOVERNMENT, SPECIFICALLY THE IDAHO DEPARTMENT OF PARKS AND RECREATION.

IN LOOKING AT ALL THE OPTIONS, IT IS MY OPINION, THAT THE IDAHO STATE DEPARTMENT OF PARKS AND RECREATION IS BEST SUITED TO CARRY OUT THE OBJECTIVES OF THE BILL. THEY (IDAHO DEPT. OF PARKS) HAVE THE SKILLS AND STAFFING TO CARRY OUT THE PROVISIONS CENTERING ON INTERPRETATION AND EDUCATIONAL OPPORTUNITIES FOR THE RESERVE. IT IS NOT NECESSARILY THAT THE MOST SIGNIFCANT ISSUES ARE THE COMPONENTS THAT ARE PLACED ON THE GROUND, BUT RATHER THE STUDY, INTERPRETATION, EDUCATION, AND PROTECTION OF THE RESOURCE THAT WILL MAKE THE RESERVE SUCCESSFUL.

OTHER GOVERNMENT ENTITIES CURRENTLY MAY NOT BE BEST SUITED TO DO THIS JOB IN PARTICULAR, I REFER TO HEARING AND UNDERSTANDING LOCAL REPRESENTATION AND THE ABILITY TO SEEK AND APPLY LOCAL INPUT. I BELIEVE THIS CAN BEST BE ACHIEVED BY THE IDAHO DEPARTMENT OF PARKS AND RECREATION.

4. SOME PLACE IN THE NEAR FUTURE IT IS VERY IMPORTANT THAT THERE BE A CLOSE EXAMINATION OF THE APPROACH ROADS TO THE RESERVE. TWO APPROACHES NEED TO BE ASSESSED, 3 MILES OF ROAD FROM ALMO TO THE SITE, AND 17 MILES OF ROAD FROM OAKLEY DOWN BIRCH CREEK TO THE SITE. BOTH LOCATION AND FUNDING ISSUES MUST BE ADDRESSED. IN ADDITION, THE COMPREHENSIVE STUDY SHOULD INCLUDE TRAFFIC USE OF THE APPROACH ROADS, AND MONITERING FOR FUNDING ASSESSMENT.

5. IT APPEARS THAT THE $2 MILLION FUNDING AUTHORIZATION LEVEL IS CONSERVATIVE AND MAY NOT BE ADEQUATE FOR THE LONG RANGE IMPLIMENTATION OF THE PROGRAM. I MAKE AN APPEAL, AT THIS TIME, THAT THIS BE FURTHER STUDIED AND THE FUNDING AUTHORIZATION HAVE SOME FLEXABLILITY FOR INCREASE.

6. I BELIEVE THAT SOME THOUGHT NEEDS TO BE GIVEN TO INCLUSION OF INDIAN GROVE WITHIN THE BOUNDRIES OF THE RESERVE. THIS AREA HAS SIGNIFICANT HISTORIC VALUE AND MAY BE IMPORTANT IN FUTURE DEVELOPMENT OF THE RESERVE.

7. A GREAT MANY VISITORS HAVE ENJOYED AND ARE ENJOYING THE SILENT CITY OF ROCKS, AND THIS USE IS GROWING. LAST YEAR 37,000 VISITORS ENJOYED THIS SCENIC AREA AND THE NUMBER GROWS. IT IS IMPERATIVE THAT THE SCENIC QUALITY AND RECREATION EXPERIENCE OF THE VISITOR BE LASTING AND MEMORABLE. THEREFORE, MANAGEMENT OF THE SCENIC RESOURCE REMAINS A PRIMARY OBJECTIVE.

8. THE SILENT CITY OF ROCKS IS OF PRIME IMPORTANCE TO THE TRAVEL INDUSTRY OF THE LOCAL AREA AND THE REGION. VISITOR DOLLARS ARE A DEFINATE ECONIMIC BOOST TO THE LOCAL ECONOMY. OUR RURAL AREAS ARE REALIZING THE SIGNIFICANCE OF TOURISM AS AN ADDED VALUE TO THE LOCAL ECONOMIC BASE. CURRENT THRUST IN " CULTRUAL TOURISM" MAKES THE CITY OF ROCKS A SIGNIFICANT ASSET TO THAT SEGMENT OF THE TRAVEL INDUSTRY.

SUMMARY:

WE HAVE AN OPPORTUNITY (FINALLY) TO PROPERLY IDENTIFY AND PROTECT ONE OF THE MOST UNIQUE RESOURCES IN OUR AREA. FOR THE FIRST TIME, AFTER MANY YEARS OF TRYING, THERE IS A COMMON UNITY AMONG DIVERSE INTEREST TO BRING TOGETHER AN EFFORT TO PROPERLY RECOGNIZE THE SILENT CITY OF ROCKS.

THIS UNIQUE AREA HAS AND HOLDS THE VERY ROOTS OF OUR CULTURE,AND VERY LITTLE IS KNOWN AND DOCUMENTED IN CAMPARISON TO WHAT IS ACTUALLY THERE ON THE SITE, AND WHAT INFORMATION AND KNOWLEDGE COULD BE ACCUMULATED AND DESEMINATED.

NOW IS THE TIME FOR NATIONAL LEGISLATION FOR THE CITY OF ROCKS, AND WE MUST ALL DILIGENTLY PURSUE THIS OPPORTUNITY.

THANK YOU,

Nick James Cozakos

NICK JAMES COZAKOS

Senator McCLURE. Thank you very much, and I note that you skipped some portions of your prepared statement.

Mr. COZAKOS. Yes.

Senator McCLURE. The entire prepared statement will be placed into the record in full.

Mr. COZAKOS. Thank you.

Senator McCLURE. You make reference to Point No. 6 to the Indian Grove.

Mr. COZAKOS. Yes.

Senator McCLURE. Is that property identified as being the Forest Service?

Mr. COZAKOS. Yes, I had not seen the final map on the thing as it was not attached to the copy of the bill.

Senator McCLURE. It is not in the core area, but it is within the boundaries we've discussed here.

Mr. COZAKOS. It's just north of the school area. It is in the core area.

Senator McCLURE. In the study area, not in the core area.

Mr. COZAKOS. Oh, it's outside.

Senator McCLURE. I believe it is within the study area. Would you mind describing the significance of Indian Grove?

Mr. COZAKOS. Well, I think there's a couple of things that are important there; one is that it provides a good vista of the core area below. Two, it has historical significance because, by the way the name implies, it was a place that the Indians did camp and they did observe the trains as they went through the area.

And, of course, there is significance there, as far as water that at some future date might be needed for the development of the area there.

Senator McCLURE. All right. Thank you very much. And particularly the last point, because I've tried to point out the significance of identifying water resources and the impacts upon the state water policy and statute with respect to the passage of a special designation. I think I might just amplify that a moment.

Because of recent court decisions and litigation, it is being contended in some areas and supported to some degree that the designation of an area that includes federal lands implies the need—the federal pre-emption for water for whatever is necessary in connection with that area, and I am determined that whenever we do that, Congress should make the determination of what was intended so we don't leave to future courts and future administrative determination what was in the Congress' mind as to what was needed. needed.

So I appreciate the identification of the demand for water in conjunction with the start of this area so that we make that appropriate reference to it in the legislation.

Mr. COZAKOS. Thank you, sir.

Senator McCLURE. Panel No. 4: David Crowder, Idaho State Historical Society; Glenn Shewmaker, Idaho Department of Parks and Recreation; Larry Jones, Idaho Chapter, Idaho-Oregon-California Trails Association; and Janet O'Crowley, Chair of the Committee for Idaho's High Desert.

Mr. Crowder.

STATEMENT OF DAVID L. CROWDER, DIRECTOR, IDAHO STATE HISTORICAL SOCIETY, BOISE, ID

Mr. CROWDER. Thank you very much. Ladies and gentlemen, I speak on behalf of the members of the Idaho State Historical Society, and as the agency director. We are grateful to Senators McClure and Symms for their efforts to preserve a unique geological and historical site.

The City of Rocks has been documented in numerous diaries of those who traveled to California. For example: "You can imagine among these massive piles, church domes, spires, pyramids, et cetera, and in fact, with a little fancying you can see anything from the capitol at Washington to a lovely thatched cottage," wrote one observer in 1849.

Terms like, "magnificent site, romantic valley, wild disorder and romantic grandeur, curiosity worth travelers notice, sublime, strange, and wonderful scenc—one of nature's most interesting works, fantastic, picturesque, delightful, and dreamy appearance," dot the diaries. It is, "one of the most beautiful, grand pictures and delightful scenes I ever beheld," concluded Dr. John E. Dalton in 1852.

You do not need a very acute sense of history to understand the awe that California Trail travelers felt when seeing City of Rocks. All you need do is go there.

The historical background adds a dimension to the geological wonder of the site. The history of the area adds the human element, and must be preserved.

I applaud the effort to create a preserve where generations can see, feel and learn about an historical environment which has had more than a passing impact on them.

For several years I took groups of teachers who teach Idaho history to this remarkable site. They were then better able to interpret that era of Idaho's history. During those years, I have seen accelerated depredation and degeneration of the site by those who obviously do not understand the fragility of the site.

It is imperative that the site be maintained and interpreted both to halt the destruction and educate the public.

The Idaho State Historical Society advocates that the Idaho Department of Parks and Recreation be the lead agency in developing and interpreting the site and that the area include the original 14,300 acres as noted in the National Parks study published in March 1987.

Furthermore, the Idaho State Historical Society recommends that the $2 million specified in S. 1335 be considered a minimum rather than the maximum amount appropriated.

Charles Nelson Teeter observed in 1865 that, "As one rambles among these rocks, it seems to him almost as if he were trespassing upon sacred ground." Three years earlier, in 1862, Albert Wakefield, in a prescient moment wrote that, "I think this valley will at some future day be an object of great interest to the lovers of the wonderful." That would be you and I. Thank you.

Senator MCCLURE. Thank you very much.

Mr. Shewmaker.

STATEMENT OF GLENN E. SHEWMAKER, IDAHO DEPARTMENT OF PARKS AND RECREATION BOARD, KIMBERLY, ID

Mr. SHEWMAKER. Thank you, Senator McClure, for the opportunity to testify on Senate Bill 1335, the bill that would establish the City of Rocks National Reserve.

I am the District 4 Representative of the State Parks and Recreation Board. It's a six-member board of citizens.

My occupation is farmer/rancher, and to support that habit I work for the Agricultural Research Service.

The Parks board sets a policy for the Parks and Recreation Department. We have an excellent staff, and I think we're very capable of managing the City of Rocks.

By Idaho Code, we are charged with the preservation and protection of cultural, historic and natural and recreational resources for the state. And those cultural, recreational, historic, geologic, soil and vegetative resources of the City of Rocks should be protected regardless of who manages the land. The protection needed is primarily from indiscriminate use by people. A public agency with recreation and natural resource capability would be necessary to properly manage and protect the area.

Restrictions will come with management. The public will no longer be permitted to camp everywhere, drive everywhere, and paint modern graffiti. Proper management will allow more people to enjoy the unique area with less visual impact than it is getting now.

Ideally, the State Parks and Recreation Board would like to see the City of Rocks become a State Park. If the Department had the development and maintenance, the Board would prefer to develop the park ourselves. It certainly qualifies for State Park status in the four major criterias of cultural, historical, natural area, geological, resource, and recreational values.

The Board is also sensitive to local people's wishes, and we should not be engaged in any turf battle. If the local people are most comfortable with the natural resource concept with the Idaho Department of Parks and Recreations as the management agency, the Board would support that alternative. Although the Idaho Department of Parks and Recreation has one of the key sections of land, proper management of the area will be dependent on the willingness of the local land owners to support a management alternative.

Thank you on behalf of Parks and Recreation Board.

Senator MCCLURE. Thank you very much, Mr. Shewmaker.

Mr. Jones.

STATEMENT OF LARRY R. JONES, PRESIDENT, IDAHO CHAPTER, IDAHO-OREGON-CALIFORNIA TRAILS ASSOCIATION, BOISE, ID

Mr. JONES. Thank you, Senator. When I called to testify, I mentioned to your office manager that I may be called upon to testify also for the National Organization of Oregon-California Trails Association, and they have authorized me to speak on their behalf, and with your permission, I'd like to do that.

Senator MCCLURE. Very good.

Mr. JONES. The president and the board of directors of the Oregon-California Trails Association have authorized me to express their views on Senate Bill 1335 and extend their appreciation to the Senators from Idaho for introducing this important piece of legislation.

City of Rocks has long been recognized as one of the most significant historic attractions along the California Trail and OCTA would like to take this opportunity to pledge their support for the bill.

OCTA also believes that the study management alternatives that were done to the City of Rocks area in 1987 was done to such a level and in depth that we'd like to support their findings of 14,300 acres. We believe a lot went into that, and they have arrived at the best boundaries as possible, especially after—I'm going to vary a little bit from my written here, if I may.

Senator MCCLURE. You're entire statement will be placed in the record.

Mr. JONES. Noticing what is going to be left out, I feel and I'm sure I can speak for the president and the board, that the southern half that is talked about being left out is one that should be imperative to be included. It would be hard to interpret the cultural aspects of this area with leaving this out. This includes, as you mentioned earlier in your statement, remnants of the stage station in addition to very good immigrant routes. But it also includes, as you also mentioned, the stage line, the Kelton Stage Line which was initiated in 1869. This was the route that supplied Boise after the completion of the transcontinental railroad with all their freight until the completion of the Oregon shortline in 1883.

This is also an opportunity to interpret this area with the Mormon aspect into the area, as it was the returning Mormon battalion that opened up this trail.

So we think that it should be imperative that this area be included if we're going to interpret the significant and cultural resources of the area.

OCTA is very sensitive not only to the preservation and maintenance of our nation's overland trails, but also to the private land owners over which these trails pass. Consequently, OCTA supports the national reserve concept and believes that the Idaho Department of Parks and Recreation should be designated as the lead agency in the development and administration of the area.

OCTA would also like to recommend that the appropriate Cassia County agency address the need to properly zone the lands located outside the immediate boundary of the reserve to insure that the scenic and historical values of the area are not impaired by some unsightly development.

Considering the importance of the proposed reserve, OCTA is hopeful that an amount exceeding the recommended $2 million can be appropriated to better guarantee that City of Rocks can finally be accorded the recognition it so rightfully deserves.

OCTA is appreciative of the opportunity to comment on Senate Bill 1335 and pledges any support deemed appropriate to insure the protection of this most historic area.

Thank you.

[The prepared statement of Mr. Jones follows:]

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August 18. 1987

Senator James A. McClure
Senate Office Building
Washington, D.C. 20510

Dear Senator McClure:

The President and the Board of Directors of the Oregon-California Trails Association(OCTA) have authorized me to express their views on Senate Bill 1335 and extend their appreciation to the Senators from Idaho for introducing this important piece of legislation. City of Rocks has long been recognized as one of the most significant historic attractions along the California Trail and OCTA would like to take this opportunity to pledge their support for the bill.

California bound emigrants marveled at the intriguing rock formations and would often stopover an extra day to explore the wonders of the "City." Those emigrants who kept diaries never failed to mention their passage through the City of Rocks as they considered it one of the highlights of their long arduous journey. Dr. John Hudson Wayman on July 12, 1852, noted "...encamped in Granite City[City of Rocks] one of the finest natural places of its kind in the World, I banter the World to beat it...." Dr. Wayman's assessment of 1852 is still a viable statement today. At one time the relative inaccessability of City of Rocks acted as a barrier to those wanting to visit the area. Today, improved access roads and modern vehicles have made it possible for virtually all to reach the area. Unfortunately, not all of these modern visitors are sensitive to the fragile historic and natural resources located within the confines of the area. It has become quite evident over the past few years that an adequate management plan is desperately needed to protect these resources. The National Park Service has recently recognized the necessity for such a management plan and prepared a Study of Management Alternatives for the City of Rocks Area in March 1987. The planning team included representatives from local, state and federal governmental agencies and the private sector, all of whom have a vested interest in the area. In Section I of the Study under Definition of Study Area, it was reported, "The study area encompasses approximately 14,300 acres in south central Idaho. The study areas boundaries were defined carefully by the Planning Team to include the minimum area needed to preserve the area's most significant recreational, natural, historic and scenic resources. These include the

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geological formations at the City of Rocks complex and Twin Sisters, the remnants of historic trails and buildings, and sufficient adjacent lands to provide and maintain the scenic and historic setting in which recreational use occurs. The configuration of the study area minimizes the inclusion of private lands, while it presents a compact, manageable unit." Its evident from this study that a lot of time was spent by the Planning Team to arrive at a suitable boundary. I include this quote because I notice on page 2, lines 1 and 2, that the recommended acreage for the proposed National Reserve is 10,320 acres. Since I have not been able to receive a boundary description for this acreage, it is somewhat difficult to comment on the loss of nearly 4,000 acres. The 14,300 acres, as noted above, was considered to be the minimum area needed to preserve all the most significant qualities, and at this time OCTA supports this finding. A glance at the map which depicts the 14,300 acres shows that the boundary is indeed a concise one. It includes the core of the natural features noted by the emigrants as well as the actual trails. The southern half of the boundary is quite tight, and includes just enough to take in the junction of the Salt Lake Alternate/Kelton Road and the earlier California Trail. In addition, the southern half includes not only outstanding emigrant trail ruts, but also the remnants of the City of Rocks Stage Station, a home station on the Kelton, Utah, to Boise stage line initiated by John Hailey in 1869 following the completion of the transcontinental railroad that year. The Kelton Road served the residents of the Boise area and later emigrants until the completion of the Oregon Short Line Railroad in 1883. During these years the residents of the Boise area received the majority of their supplies over this route, and many of the more affluent emigrants would take the train to Kelton and then follow the road to various destinations in Idaho. Consequently, it is hoped that the omitted 3,980 acres can be included in the final analysis to insure that there will not be a loss of any of the historic or natural properties.

OCTA is very sensitive not only to the preservation and maintainence of our Nation's Overland Trails, but also to the private landowners over which these trails pass. A review of the Park Service Study clearly shows that the proposed use of a National Reserve is certainly the most viable method to achieve proper management objectives pertaining both to the preservation of the emigrant trails and natural resources, and at the same time address the concerns of the private landowners with holdings located

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within the Reserve. OCTA supports the National Reserve concept and believes that the Idaho Department of Parks and Recreation should be designated as the lead agency in the development and administration of the area. They possess the expertise and appear to be the agency best suited to manage the Reserve. It is apparent that the citizens of Idaho are rightfully proud of this beautiful and historic area and it seems appropriate that an Idaho agency should take the lead in its development and management.

OCTA would also like to recommend that the appropriate Cassia County agency address the need to properly zone the lands located outside the immediate boundary of the Reserve to insure that the scenic and historical values of the area are not impaired by some unsightly development.

Considering the importance of the proposed Reserve, OCTA is hopeful that an amount exceeding the recommended $2,000,000 can be appropriated to better guarantee that City of Rocks can finally be accorded the recognition it so rightfully deserves. OCTA is appreciative of the opportunity to comment on Senate Bill 1335 and pledges any support deemed appropriate to insure the protection of this most historic area.

Sincerely,

Larry R. Jones
President

Senator McCLURE. Thank you very much.
Ms. O'Crowley.

STATEMENT OF JANET O'CROWLEY, CHAIR, COMMITTEE FOR IDAHO'S HIGH DESERT, PICABO, ID

Ms. O'CROWLEY. Thank you, Senator McClure and interested people and interested observers, as well as the legislative contingent. I'm honored to be amongst this group. My name is Janet O'Crowley; I came here as a representative of the Committee for Idaho's High Desert, which speaks for a 200 million person constituency, the owners of the public lands of the United States, and particularly for the 1 million person division which constitutes the State of Idaho.

I would like to address three issues here, which I believe are important: The preservation of the land and its values, and the question of land use, and the question of management.

I think we have to put wild life and cultural significance on an equal footing with the public recreation, which is naturally a growing concern in Idaho. For this reason, I think that any management must include persons or agencies who are well qualified in the wild life management, and we must always give a nod to the history of the place because that's what gives it that particular ambience, as well as our own ancestors, the white people, and the long use that we know the Indians made of it.

As far as land use goes, this seems to be a somewhat controversial issue, so I'd like to interject our particular viewpoint into this.

We feel that your 14,000 acre proposal probably includes the most important lands. But I see that there are other public lands contiguous on the outside, particularly BLM lands, and I hesitate to recommend that you draw the boundaries so closely that you don't have what I like to call a picture frame around it. Every picture needs its frame to give it the solitude and the importance that it deserves, and as long as there are other public lands there, we are not sacrificing anything to include this as a protective buffer around this area that we want to protect.

And as far as water right goes, I may be wrong, and I hope you'll put me straight, but my understanding was that when an area is set aside as a federal reserve of some type, the water rights do go with that. I should say, the necessary water rights to continue it. But I understood that those take their place in time after all existing water rights, so that I didn't see that this could be a problem. Could you tell me something about that?

Senator McCLURE. I'll be glad to comment, but go ahead and complete your statement.

Ms. O'CROWLEY. All right. I do have one specific recommendation. Whoever manages this, I would hope that they would close minor roads which can lead people into the area without going through the interpretive area and without going through the signing area. I notice there's a road coming from the north. It comes almost from the top of the mountain, and I would hope that the traffic on these would be controlled so that the flow of traffic would be on the main areas in from Oakley and Almo and possibly from Utah. But the Parks Department and also the other agencies, I

notice, also do an excellent job of this. We're really concerned about unregulated traffic in the areas.

And one further point I would like to make, that it's our feeling in the committee for Idaho's High Desert that Idaho Parks Department would make an excellent manager of this area. They have done such a great job in other places with small funds and they've made them attractive, they've made them stand out like a gem, and they've concentrated the interpretive material where people see it. And also, I have a feeling that the local people in this case would feel that they have more touch with and maybe more influence on an Idaho agency. And that would conclude our comments for the Committee for Idaho's High Desert.

Senator McCLURE. Thank you very much. I appreciate the testimony of each of you. I'll respond only very briefly with respect to the question of water rights.

You are correct in one respect, and that is that the date of priority for the federal pre-emption of water rights is the date of designation of the withdrawn portion of the public domain, the creation of the special management.

But one of the problems that comes inherent with that is exactly what's meant by that. What is necessary to the use of the area. And I'll give you just perhaps the worst example rather than the typical example of the uncertainty that comes from that.

The National Park Service asserted the right to control the flow of the rivers through the Dinosaur National Monument because it was a monument, and the reason that they wanted to preserve control was that there had developed an interest in white water rafting on that river, which is hardly pertinent to the reasons why Dinosaur National Monument was created. In my view, the necessary water and appropriate water for the use of Dinosauer National Monument would be that which is used in washing dinosaur bones and providing water for the restrooms for the visitors at that monument.

It's a little bit of a stretching of the purposes to indicate that that includes all the water in the river, but that assertion was made and the district court in Colorado ruled that the assertion was invalid.

The National Park Service did not appeal that ruling. I am told that they didnn't appeal, not because they thought they were wrong, but because they thought they might lose and they didn't want to establish the precedent of having lost.

Now, I say that because there will be more and more conflicts with respect to what is meant by the appropriate or necessary amount of water for the purposes for which the reserve was withdrawn from public domain. I think it is important for us to state with some degree of accuracy what we intend when Congress passes a bill with respect to the creation of a federal claim on water.

As you would know, two-thirds of our state is owned by the federal government, and if the federal government is successful in claiming all the water that originates on or flows through any part of the public domain, Idaho has no water right and Idaho has no water law that is meaningful any longer.

As far as I'm concerned, any creation of a federal reserve, including a wild and scenic river or future inclusion of lands within wilderness areas boundaries, must include within it a statement of what water is intended by the Congress to be of use in connection with that land. That's as important as designating the boundary or the area, in my view.

Ms. O'CROWLEY. I've certainly seen a lot of court cases.

Senator MCCLURE. It will save a lot of heartache and misery and dissention, both at the present and the future as to what claim the federal government may have. I think it's Congress' duty to state with some clarity what was intended when the area was created.

Gentlemen, thank you very much. Ms. O'Crowley, thank you very much for your testimony.

Panel No. 5: Mr. Dale Kershner, President of Rupert Chamber of Commerce; and Larry Roberts, Vice-Chairman of the Burley Area Development Commission.

STATEMENT OF DALE KERSHNER, PRESIDENT, RUPERT CHAMBER OF COMMERCE, RUPERT, ID

Mr. KERSHNER. To the Honorable James McClure. The Rupert Chamber of Commerce supports the legislation to make a national historic reserve for the Silent City of Rocks.

The Silent City of Rocks is an important and vital resource to south central Idaho because of its historic, geologic and scenic value.

We feel there is a primary need to protect and define the resource and that it is a must that in the process of developing the comprehensive plan, it is important that there be local agency and local citizen involvement.

We would also recommend a lead agency consistent with the legislation, that it be the Idaho Department of Parks and Recreation once the comprehensive plan is completed and in place.

We recommend that agency because they are local people and a local agency. This gives a better opportunity for local involvement in the management and development of the national historic reserve than with a federal agency.

Also, of all the agencies involved, the Idaho Department of Parks and Recreation is better equipped for interpretive facilities and education.

As far as water rights are concerned, we feel that the senator has done an excellent job protecting existing water rights and future development of the area in respect to the water rights involved, having followed the same procedures as would have been facilitated by the state.

It is also our feeling, as this legislation is enacted, the $2 million identified for development of the comprehensive plan should be studied to be sure there is a large enough sum to ensure thorough planning.

I would also like to mention the concern we have for the funding of the improvements for the access routes to the City of Rocks, specifically the three miles from Almo and the 17 miles from Oakley.

On behalf of the Rupert Chamber of Commerce, I would like to thank Senator McClure for his grassroots effort to bring to pass this very worthwhile project.

Senator MCCLURE. Thank you very much.

Mr. Roberts.

STATEMENT OF LARRY ROBERTS, VICE CHAIRMAN, BURLEY AREA DEVELOPMENT COMMISSION, BURLEY, ID

Mr. ROBERTS. Thank you, Senator McClure. I am here as the representative of the Burley Area Development Commission to speak in support of the creation of the City of Rocks National Reserve in Cassia County, State of Idaho.

I offer this testimony as the vice-chairman of the Burley Area Development Commission, a nonprofit volunteer organization for the economic development of the Burley region, which organization aggressively supports the creation and further development of the Silent City of Rocks.

Most of the members of the Burley Area Development Commission are natives of the Burley area and are well aware of the geological, historical, and cultural value of the Silent City of Rocks.

We believe that the bill has been well drafted and addresses the wide variety of the interest involved with the City of Rocks area. We would like to make the following observations concerning the bill:

No. 1, that the name of the national reserve be amended to state the Silent City of Rocks National Reserve instead of just the City of Rocks National Reserve, which is sometimes confused with other rock formations in our region.

No. 2, that the overall emphasis of the area must be for the protection of the natural resource and to stop the abuse of the area.

No. 3, that the Department of the Interior continue to be responsive to the local interests concerning the formulation of the long term plans for the Silent City of Rocks.

No. 4, once a comprehensive plan has been adopted to allow the department, the Idaho Department of Parks and Recreation, to manage and maintain the national reserve.

We believe that the proper agency of the state or local government to manage the national reserve would be the Idaho Department of Parks and Recreation.

They have the expertise in managing other parks and recreation facilities in the state and the personality—and the personnel to properly provide the long term management and protection of the reserve.

We believe it would be a mistake to consider any local entity in the overall management of the national reserve because of the lack of expertise in managing such a large area and the adequate funding of the local entity of government.

No. 5, it is important to have the directional signs from the major roads passing through the area to give directions to the City of Rocks starting from the interstate highway system through the state highway system to the county road system to the Silent City of Rocks National Reserve.

No. 6, we are concerned about the frontage roads from the Asphalt County highway to the national reserve, these frontage roads being the road from Almo to the Silent City of Rocks from the east and the Oakley-Birch Creek Road to the City of Rocks National Reserve.

At some point in the development of the City of Rocks sums should be appropriated to properly pave these roads for the numerous tourists that would use the national reserve annually.

No. 7, in the past, thousands of people tour the Silent City of Rocks annually which currently does not have adequate picnic areas, restroom facilities, and drinking water.

These visitors come from—for numerous reasons, some of which are family reunions, camping, rock climbing, historical studies and cultural experiences.

The continual management of the site is of the utmost importance with the number—with the number of annual visitors there will be once it is designated as a national reserve.

The Burley Area Development Commission is always interested in attracting new dollars to our economy. This is a perfect example of how to use the existing resources that we have in our area to attract clean new dollars to our sagging economy. Thank you.

Senator McCLURE Gentlemen, thank you very much for your testimony and the suggestions you have made. They will be carefully considered as we try to proceed with the passage of this legislation. Thank you very much for your appearance.

Panel No. 6: Mr. Olen Ward of Boise; Jean Nicholson Elwell of Ogden; Mark Moorman of Burley; Stu Murrell of Jerome; Mike Poulton of the South Idaho Cattlemen's Association from Oakley; and Harold Miles, Golden Eagle Audobon Society from Nampa.

Mr. Ward, Mr. H. Olen Ward, please.

STATEMENT OF H. OLEN WARD, BOISE, ID

Mr. WARD. Thank you, Senator McClure. I am not accustomed to this kind of thing. My heart's pounding at a rather rapid rate.

I am a land owner, a major land owner in the core area as I interpret the core area within the preserve. It's a very important range to me. It's a major early summer and summer range.

I recognize the significance of the area geologically and historically and wish to maintain that as I have known it and do know it today.

I recognize the need to protect the area. I think, however, there is a—the level of protection needed is subject to considerable debate.

I'd like to express some of my feelings and concerns concerning the proposal. I think the legislation is an excellent start. I would hope that as we proceed with implementation of a program that it will be such that it will do what I perceive that it will do.

I am willing and express a willingness to support the legislation for one major reason: It appears that it is the lesser of a greater evil.

From my perspective, and I think the perspective of many who live in the area, we would like to reserve that area for our use and that's a very limited number of people.

Recognizing that we cannot do that, we must proceed to provide some form of protection to what we consider a very important and beautiful area.

The greater evil that I refer to is the preservationists and environmental groups that I fear would desire to take the land and put a fence around that land and preserve it even to the extent that they would limit recreational activity within the area.

The constraints then would be stifling. If this were done, it would leave me with an uneconomic remnant in my operation as it would for many other ranchers in the area. Those who would profess this degree of preservation I am sure would claim that the land owners would be properly compensated for the taking.

I'd like to express the feeling that grazing land in the west, much like water, is fully appropriated. And so you take that grazing land from those now who use that land, whether it be federal lands or whether it be private lands, and you preclude that grazing activity to occur, and you, in effect, eliminate that aspect of your economy of the area.

And so there would be numerous uneconomic remnants available. And if I were compensated, even though some would feel it would be appropriate, in all probability I could not replace that which would be taken.

Now, Senator McClure, you said grazing—and this, I am sure is not a direct quote—but this is what I gathered and wrote down. Grazing not in conflict with other significant uses will be allowed to continue. And my concern is, what is "other significant conflicts"? And so I have some concern there.

The life that presents itself to me and others in the area is a—is a way of life both economically and socially. And the area has deep historical significance to me and to those people who have been raised in that area. My great grandfather, both maternal and paternal, came to that area prior to the 1900's and established their way of life, that of a ranch. I wish to continue that.

The conditions that are important to me were expressed very well by Senator Darrington in that he expressed the need that we have for continuing grazing activity, being able to manage the property in a good, husband-like manner, and in so doing preclude the loss of the land resource through erosion and other degradation.

We feel it very important to be able to move our cattle in and out of the area without constraint. And we feel that in the establishment—or at least I feel that in the establishment of a national reserve, that there will be constraints placed upon us as land owners in the area. That is a taking, in part, of that which we now own.

And it would seem to me that in that taking the value of the property is reduced. And in so doing, there should be some appropriate compensation in the form of possibly a scenic easement, if that would be appropriate, to compensate those who are in effect, if not compensated, would be donating that portion of their property rights.

I mentioned that this area to me has a very deep historical significance. And I feel very strongly about that and I wish to pre-

serve that. And that was my reason for coming and making a comment here today. Thank you.

Senator MCCLURE. Thank you very much.

Mr. Moorman.

STATEMENT OF MARK MOORMAN, BURLEY, ID

Mr. MOORMAN. Thank you, Senator McClure. I would like to indicate that I am testifying today as a—just a citizen and not representing any particular group. I would also like to add that it was probably some 60 years ago that I first went to the City of Rocks way back in an old 1936–37 Chrysler, somewhere along in that territory.

So, I am very much interested in the designation and development of the national reserve for the Silent City of Rocks, Cassia County.

The area needs to be identified and protected from the vandalism that now occurs. As the dividing point of the old Oregon and California Trails, it has great historical value. The automobile counters indicated 37,000 people visited the area in 1986, and of course this is a variable number here, but we have had fair indication that that might be.

I would also like to see substantial local input into the comprehensive plan. Once the comprehensive plan is put in place, the management responsibility, I think, should be placed with the Idaho Department of Parks and Recreation. There would be local control of the resource and a greater pride in its development.

The upgrading of the road from Almo to the City of Rocks and from the reserve down Birch Creek to Oakley should also be considered in the plan. The present road gets very dusty and rough when it is dry. It also gets rutted and slippery when it rains.

Senator McClure, I thank you for holding this hearing on this great historical resource in California. Thank you.

Senator MCCLURE Thank you very much.

Ms. Elwell.

STATEMENT OF JEAN NICHOLSON ELWELL, OGDEN, UT

Ms. ELWELL. No. 1, I certainly want to thank you. You seem very concerned about the land owner, and I appreciate that.

No. 2, I do want to say that I appreciate Senator Darrington's holding of the meetings in Almo. There have been two, and if it hadn't been for that, I, as one of the land owners, wouldn't have known much about this. And then I also agree with Mr. Ward's statement, previous statement.

My family, the Nicholsons and Elwells, are concerned about this bill for the establishment of the City of Rocks National Reserve. We were handed this bill in the meeting and didn't have any pretime to study, so it was very, very difficult. I am not a lawyer or anything like that. I needed some time to think through it and digest it.

And this bill certainly has an extreme impact on the Nicholsons and the Elwells, among others here. I grew up in that rock house, moved there when I was 3, was raised in that valley, so it's certainly dear to my heart.

We are in favor of the national reserve, but not this bill in its entirety. We thank you for the opportunity to express our views at this public hearing.

Page 2 here, I have some suggested changes to the bill. On page 2, line 23 and 24, I suggest that it read, "state agencies, local use of general government and private property owners." And then if we could turn to page 3, item 1 is the reason for that.

When the land owners had their first meeting, April 9 of this year in Almo, we were given a report entitled "Review of National Historic Reserve Concept". In this report the concept of the reserves is to allow a partnership between federal, state and local agencies and private property owners to maintain historic areas.

Also that plan involved substantial local involvement to help set the overall direction of the reserve area. And as I see the bill, that's not allowed. Maybe I don't understand.

Okay. Then, item 2, page 3, line 7, I suggest it would read, "setting, as long as facilities to maintain grazing and ranching of private areas can be developed and maintained by the property owner.'

Reason on page 3. The plan, page 3, line 1, identifying A, B, and C following must have local input. We feel that problems of the implementation of this national reserve could be avoided by this change.

A veto power is needed by the land owners, or something, because the statement "jurisdiction over land use," page 3, line 13 is certainly a powerful statement, to my opinion.

This control could cause depreciation of private property, example, if the land owner could not irrigate as needed or roads through his or her, their property, cause tension with cattle, problems with cattle, et cetera.

And then there was a recent court case before the Supreme Court concerning this very thing where the zoning commission limited the use of private land and the land was decreed as greatly depreciated because of the zoning and compensation was awarded to the land owner. And we need to keep this particular item in mind.

The land owner should be able to use the land in ways other than for grazing, possibly to properly develop a ranch, with respect to the reserve concept because we are in favor of the reserve.

Let's see. Item No. 3, page 4, line 13 should read—some of these have been presented before—"by donation, purchase with donated funds, purchase."

Item 3, page 4 there, it would be unwise to limit land purchased, I felt, should an opportunity arise in the near future. Too much potential is there for the citizens of this great country to enjoy. We feel this reserve will be overwhelmed with visitors once the word gets out. Idaho needs to advertise and show off its beauty and history as well as bring in revenue.

And right there I would like to just quickly point out, I am from Ogden, have lived there for 30 some years. And I don't even tell my friends or people from Salt Lake because people there need so much a place to go, something to do. They are just eager. So if this goes in, you are going to have people from Utah like crazy up there. You really are. So, I am concerned.

Okay. Where are we? No. 4. Item 4 on page 2, page 6 line 9 where it says, "May acquire." I don't know what to do about it, concerned about it. I think you have pretty well addressed it, but I would like to read my comment on 4—Item 4, page 4 of my report here.

May acquire? Eminent domain? Item D, page 4 of the reserve concept reads as follows: Acquisition of fee simple land in the core area should be accomplished by willing seller, willing buyer.

Failing that, consideration should be given to eminent domain purchase of scenic easements for development rights only in core area. Eminent domain was not used to acquire fee simple public ownership in Ebey's Landing.

I think that's really important that we remember that. We were assured this would be the case. Do you have the power and plan to condemn our land and water? We just have concerns on this.

Also, regarding "may acquire" it appears according to the draft study report of management alternatives for the City of Rocks area, June 20, 1986—somebody already mentioned that—a paved road—and if you would look at that map, please, on the back there—I don't know where mine is.

Anyway, the line—it's the map you have there, yes, in color. The line goes right through the meadowland of the ranch and I am really concerned about that. This is the proposal No. 6 on that report a year ago.

I am really concerned about that because it just cuts us right in half. And I could see going around the corner of the knoll and then joining kind of the edge of the property and going down to the road and then going on up into the area. That's great.

I really can't see the necessity, if this is the way that you are going to go, of putting that right down through our meadowland. I just——

Senator McCLURE. Let me interrupt to ask a question on that point and make a clarification. First, this is only one proposal. The plan has not been adopted yet.

Ms. ELWELL. Yes, I know.

Senator McCLURE. But it is a proposal. But in that connection, there will be a planning process if the bill is passed and the area created, and you would certainly be in a position to participate in that planning process.

Ms. ELWELL. Yes.

Senator McCLURE. Just by way of a question, if I understand your comment correctly, you would find it less objectionable if that road were routed closer to the edge of the meadow rather than going through the middle of it?

Ms. ELWELL. Yes. It would just keep it out of that meadow and up a little bit farther north on the property and up and out.

Senator McCLURE. I understand.

Ms. ELWELL. We would appreciate that.

Okay. Where was I? No. 5, page 6, line 22 and 23 of the bill. To be appropriated, $2 million as a start up for carrying out the provisions of this Act. Periodic grants should be made possible for unseen land purchases in the future up to a period of, say, 20 years following initiation of the reserve.

I thought this was a good idea. And in your opening statement you commented that this would be it when it was started, but I thought that this might be a good idea.

The reason for that, page 5. We feel that this rewording is necessary as $2 million does not seem feasible for completion and possible land purchases in the future. A 20 year limit might be added for possible purchases as owners would know by then whether they were comfortable with the results of the reserve.

And then on the end page under "concerns," the fencing really has been talked about already so we will skip that. The core area, as I understand it, is listed on that map over there. I wasn't sure, but evidently it is the same as what we were presented a year ago.

Senator MCCLURE. Uh-huh.

Ms. ELWELL. Then "easements." We, as property owners, were concerned about the easements and, really, I don't believe that is addressed. I am not sure. Thank you.

[The prepared statement of Ms. Elwell follows:]

936 Chatelain Rd.
Ogden, UT 84403
August 18, 1987

Senator James McClure
149 Borah Station
Boise, ID 83702

RE: S.1335, City of Rocks National Reserve

Dear Senator:

My family, the Nicholsons and Elwells are concerned about S.1335, a bill to establish the City of Rocks National Reserve. We were handed S.1335 upon our arrival at the land owners meeting regarding same Aug. 11 and were supposed to immediately understand all of it. You can't understand a six (6) page bill in zero minutes. I for one needed a few days to think through and digest it. After all this bill could have an extreme impact on my families future.

We are in favor of a National Reserve, but not this bill as it is. We thank you for the opportunity to express our views in this public hearing. Enclosed are ten (10) copies as requested of our suggested changes, reasons for, and some concerns.

Respectfully,

Jean Nicholson Elwell

Jean Nicholson Elwell

cc: A. E. & Elaine Nicholson
Enclosures

SUGGESTED CHANGES

Item 1: Pg 2 line 23 & 24 should read -- State Agencies, local units of general government and private property owners, ...

Item 2: Pg 3 line 7 should read -- setting, as long as facilities to maintain grazing and ranching of private areas can be developed and maintained by the property owner.

Item 3: Pg 4 line 13 should read -- by donation, purchase with donated funds, purchase, ...

Item 4: Pg 6 line 9, may acquire?

Item 5: Pg 6 line 22 & 23 should read -- to be appropriated $2,000,000 as a startup for carrying out the provisions of this Act. Periodic grants should be made possible for unseen land purchases in the future up to a period of twenty (20) years following initiation of the Reserve.

REASONS FOR CHANGES

Item 1: When the land owners had their first meeting, April 9 of this year in Almo, we were given a report entitled "REVIEW OF NATIONAL HISTORIC RESERVE CONCEPT". In this report the concept of the reserves is to allow a partnership between federal, state and local agencies and private property property owners to maintain historic areas. Also, that plan involved substantial local involvement to help set the overall direction of the Reserve area. That is not allowed in this bill.

Item 2: The plan (pg 3 line 1) identifying (A) (B), and (C) following must have local input. We feel that problems in the implementation of this National Reserve could be avoided by this change. A veto power is needed by the land owners as jurisdiction over land use (pg 3 line 13) is a very powerful statement. This control could cause depreciation of private property, i.e., if the land owner could not irrigate as needed, or a road through his/her property caused tension with cattle causing lack of growth this could be costly to the owner. In a recent court case before the Supreme court where the zoning commission limited the use of private land, the land was decreed as greatly depreciated because of zoning. Compensation was awarded to the land owner. The land owner should be able to use the land in ways other than for grazing to properly develop a ranch with respect to the Reserve concept.

Item 3: It would be unwise to limit land purchase should an opportunity arise in the near future. Too much potential is there for the citizens of this great country to enjoy. We feel this Reserve will be overwhelmed with visitors once the word gets out. Idaho needs to advertise and show off its beauty and history as well as bring in revenue.

Item 4: May acquire? Eminent domain? Item d. page 4 of the Reserve concept reads as follows: Acquisition of fee simple land in the core area should be accomplished by willing seller, willing buyer. Failing that, consideration should be given to eminent domain purchase of scenic easements for development rights only in core area. Eminent domain was not used to acquire fee simple public ownership in Ebey's Landing. We were assured this would be the case. Do you have the power and plan to condemn our land and water?

Item 5: Also, regarding may acquire it appears according to the draft study report of management alternatives for the City of Rocks area, June 20, 1986 a paved road would go right through the top grazing area of the Circle ranch. (see map) A road around the mountain from the proposed visitor's center to the East edge of the Circle ranch and then joining the present road would maintain the historic character and way of life in the area, as stated as a goal in the Reserve concept.

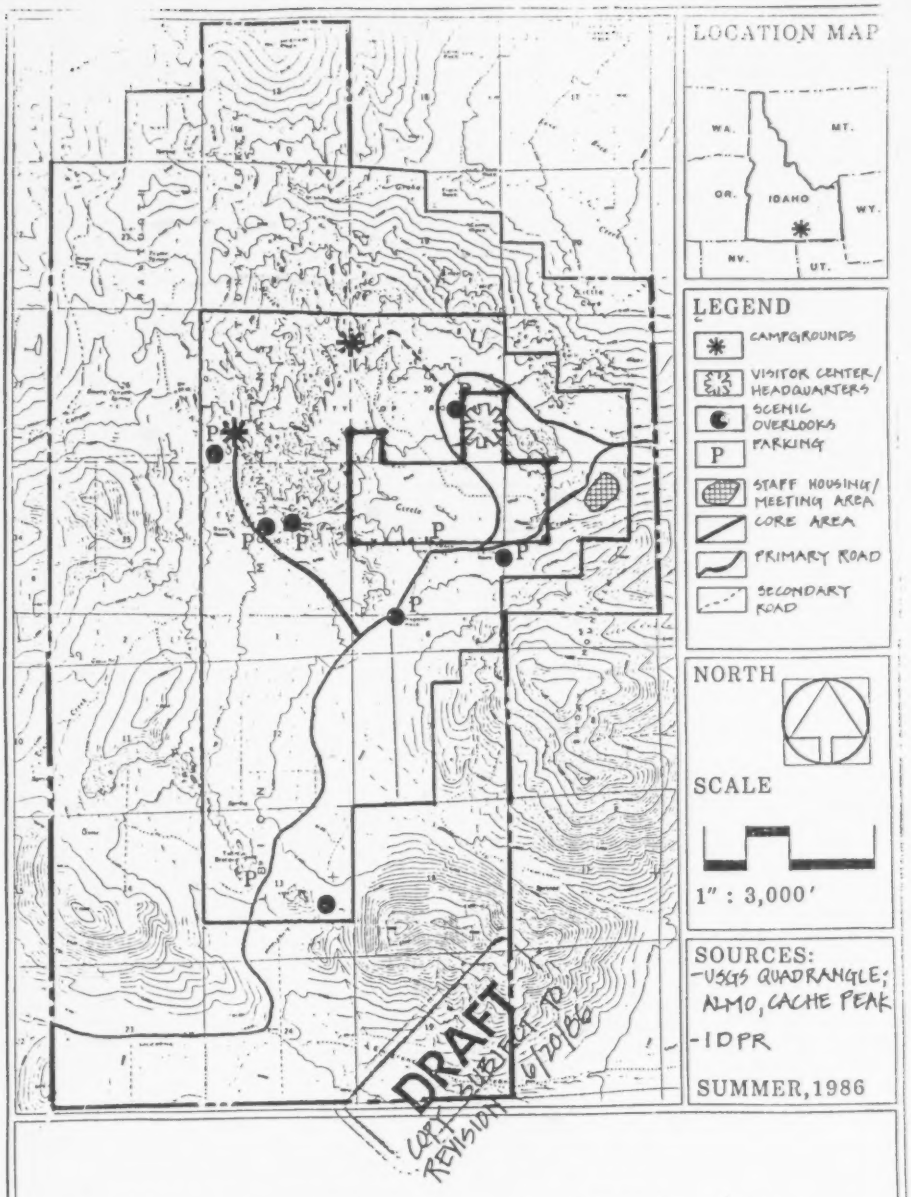
Item 5: We feel that this rewording is necessary as $2,000,000 does not seem feasible for completion and possible land purchases in the future. A twenty (20) year limit might be added for possible purchases as owners would know by then whether they were comfortable with the results of the Reserve.

CONCERNS

Item 1: Fencing -- It has been brought to our attention that private land owners have sometimes been required to pay for fencing according to government standards or other improvements bordering easements and/or Federal land. We request that fencing and facilities that benefit the Reserve be originated and maintained by the Reserve (Pg. 5 item k. in Reserve concept) under operation and maintenance on page 4 line 5 of this bill.

Item 2: Core area -- A designation of the proposed core area would be greatly appreciated ASAP.

Item 3: Easements -- An explanation of intended easements in the core area would also be appreciated ASAP.



ALTERNATIVE B-4 (IDPR) MAP 6

Management Alernatives
City of Rocks Study Area

Senator MCCLURE. Thank you very much.
Mr. Murrell.

STATEMENT OF STUART L. MURRELL, JEROME, ID

Mr. MURRELL. Thank you, Senator McClure. I am testifying as a private citizen, and have no association with any agency or group. However, I do think that I represent probably somebody that hasn't been heard from yet, and that's the sportsmens groups in the area and do have a considerable contact with those type of folks.

The first time I viewed the City of Rocks was in 1959 when I was working on a special project in the Burley area for the Department of the Interior.

Since 1971 I have hiked the trails throughout the area, camped in the core of it, studied the bird life, presented programs to school groups on its wild life, photographed its wild life, and have hunted extensively for game birds, coyotes, mountain lions and, in particular, the deer that fluorish in this ecosystem.

So I am intimately familiar with the spectacular country and land uses within the City of Rocks boundary.

My personal preference is Alternative B-1, management of the U.S. Forest Service. This gives added recognition to the area's values, provides the needed protection involving land uses, and the Forest Service has done a good job in a similar situation with the Sawtooth NRA area up north.

However, I also recognize the need for tourism development to bolster Idaho's sagging economy and would support Senate Bill 1335 to have the Idaho Department of Parks and Recreation develop and manage the area as a national reserve.

I am strongly opposed to management by the National Park Service, and in particular, any proposal to make it a national monument. There are just too many restrictions under their guidance.

There are some concerns that I have with the State Parks Alternative B-4 and would like to see these changed in the management plan. They state—this is a quote—hunting would be prohibited in the core area; 4,760 acres is a lot of territory to eliminate in this preferred hunting country. There would be very few visitors, if any, during the October through December hunting period and I think hunting seasons should be allowed as a traditional use of the state park.

We have several examples of this in Idaho such as the bow season at Farragut State Park. A primitive weapon hunt of bows and muzzleloaders might fit in nicely with the history of the area.

They have also made the statement in planning the meetings that trapping would be eliminated. There is extensive use of this area by coyote and bobcat trappers, and again it is compatible with the fall-winter period and the history of the country.

I approve of the need for acquisition of the nice meadow lying along Circle Creek, since it is the most productive heart of the area and would supply an excellent campsite situation. In fact, I have camped several times on the spots selected to develop one of the state park's main campgrounds.

The proposed reduction of ORV and grazing use within the national reserve boundaries will benefit both the wild life and the ecosystem. The overgrazing has been especially harmful in the riparian areas around the numerous springs and on the wet meadows.

Finally, I have a problem with the wording in Senate Bill 1335. It is not clear to me what the intent of the National Park Services role will be in the development of the area. I have had it explained to me that the National Park Service would undertake the initial two year development and then turn it over to the Idaho Department of Parks and Recreation for management.

However, the bill does not specifically state that time period and I would like a clarification from Senator McClure as to how the development will be handled. If there is an agreed upon plan, then it should be very clear in the bill that the National Park Service will not administer the area. Thank you.

Senator MCCLURE. Thank you, Mr. Murrell.

Mr. Mike Poulton.

STATEMENT OF MIKE POULTON, VICE PRESIDENT OF THE SOUTH IDAHO CATTLEMEN'S ASSOCIATION, OAKLEY, ID

Mr. POULTON. Senator, Scott Bedke and myself would like on behalf of the Southern Idaho Livestock Association to thank you for what you have done for us in the past. We have appreciated it.

The South Idaho Cattlemen Association is concerned that Bill 1335 fails to recognize and protect existing cattle grazing and trailing on the proposed 10,320 acre national reserve.

Five ranchers run cattle on the private lands inside the proposed reserve boundary. Also, there is one Forest Service and parts of six BLM cattle grazing allotments within the proposed boundary.

The roads in the area are used annually for trailing cattle between home ranges and other fields and the federal allotments. We see the need for these existing uses to be mentioned and protected in the proposed law.

We also are concerned that the federal grazing allotment remain in tact and under the management of only one federal agency. The bill will cause grazing allotments to be split because all of the allotments lay on both sides of the proposed boundary.

The transfer of federal lands to the National Park Service will cause cattlemen to deal with two agencies in regards to seven allotments. The idea of a national reserve and maintaining the current federal grazing management scheme is not incompatible.

The South Idaho Cattlemen Association urges the revision of the bill to eliminate the requirement for the BLM and the Forest Service to transfer their lands to the national park. This will eliminate the situation of the cattlemen having to deal with two federal agencies on the involved allotments.

Thank you for allowing us to present our views.

Senator MCCLURE. Thank you very much, Mr. Poulton.

Mr. Harold Miles.

STATEMENT OF HAROLD C. MILES, CONSERVATION OFFICER, GOLDEN EAGLE AUDUBON SOCIETY, NAMPA, ID

Mr. MILES. Thank you, Senator McClure. Unfortunately, we weren't supplied a copy of the bill, so we are talking a little bit at random. In the last hearing, when the hearing was brought forth, a national monument, my own person opinion was that the proposal was way too harsh. And lots of times the economy and the scale doesn't exactly work out to the best interests of everybody.

My name is Harold C. Miles, 316 15th Avenue South, Nampa. And I am appearing before you as the conservation officer of the Golden Eagle Audubon Society which is a chapter of the National Audubon Society. And I have been authorized by our president, Nettie Smoot, to testify before this committee regarding the proposed reserve for the City of Rocks near Oakley,

I should also have Almo there, and I should apologize to all the Almo residents. That's the best road to go into the park, incidentally. [Laughter.]

We appreciate the committee's interest in the preservation of this unique area since it is most worthy of protection from a geological and historical standpoint, but we feel the proposed type of protection and classification is woefully inadequate.

We feel this City of Rocks area is most worthy of being established as a national monument and respectfully request it along with the City of Rocks area near Gooding, and the Hagerman Fossil Beds near Hagerman, Idaho to be incorporated into one national monument.

We suggest that one headquarters be established in Burley with a superintendent in residence along with his administrative staff and rangers be stationed at the City of Rocks, Oakley area, City of Rocks—I made a mistake there. It should be Gooding area, and the Hagerman Fossil Beds area. This arrangement would be similar to some of the national monument areas in New Mexico which I have visited, and this arrangement works well.

With the ever increasing amount of leisure time by the American population, more scenic and historical areas must be set aside for their enjoyment and education.

In addition, such unique areas as these are well deserving of adequate protection from vandalism and desecration as has been occurring in these areas for many years that I know of.

Every time I go to the Oakley City of Rocks I can see more trees have been cut down and more rocks have been defaced.

Idaho needs additional nationally recognized tourist attractions to help bolster its sagging economy. And national monument or national park status is of much more significance than a reserve area to the tourist.

For example, I have been to almost all the national parks and monuments in the west and midwest and I have the desire to visit all the national parks and monuments in the United States while I am still able to navigate.

When I get ready to take a trip, I advise triple A of the areas I want to see and the national parks and monuments I desire to visit and request them to work up my itinerary for these areas as I feel these parks and monuments are the areas I should see first.

I know from discussing this situation with other motorhome travelers that they feel the same way. America's national parks and monuments are her crown jewels.

As above mentioned, Idaho is woefully lacking in adequate recognition of her natural treasures and an analysis of our surrounding state's national parks and monuments are:

Arizona: Two national parks, 10 national monuments, two national recreational areas.

California: Six national parks, seven national monuments, four national recreational areas.

Colorado: Three national parks, five national monuments, one national recreation area.

Montana: Two national parks, one national monument, two national recreational areas.

Nevada: One national park, three national recreation areas.

New Mexico: One national park, eight national monuments.

Oregon: One national park, two national monuments, one national recreational area.

Utah: Five national parks, five national monuments, one national recreational area.

Washington: Three national parks, three national recreational areas.

Wyoming: Two national parks, two national monuments.

Idaho: One national monument, one national recreation area.

In less than 400 years since the first Spanish settlements in Florida over 95 percent of the land area in the lower 48 states has been made available for development, so it is both fitting and proper that more of America's and Idaho's natural national treasures be set aside and protected for our and future generation's pleasure and enjoyment.

We do not know just how well a reserve will meet the future recreational needs and requirements of America's growing population, but we are quite sure a national monument status for the Oakley and Gooding City of Rocks and the Hagerman Fossil Beds is the best designation for these valuable natural resources.

Therefore, we respectfully request the pending legislation be amended to include these additional areas and grant them national monument status.

Respectfully submitted, Golden Eagle Audubon Society, Harold C. Miles, Conservation Officer.

Senator McCLURE. Thank you all very much for your testimony. You have asked some thoughtful questions and made some useful comments. And we will consider those questions and comments very carefully as we try to develop the legislation and hopefully get it passed.

I am concerned that the property owners be protected in the legitimate uses of their lands in that area. Mr. Ward, I understand your concern when such general language is used. And sometimes it is impossible for us to be absolutely definitive about what is appropriate and what is not appropriate. But I understand that concern.

And, again, I would say if the legislation is passed a development plan, management plan must be developed.

I understand your concern not wanting to have to fight that battle after you have already lost it. And I would hope that we can devise adequate and suitable protection for the land owners interests in that area.

I think that's one reason why this proposal has far more support than did the national monument proposal and far less opposition than did the national monument proposal. And much has been done and is being done in this legislation to recognize the concerns of the land owners in the area.

I think with one and possibly two exceptions, every witness we have heard today has been concerned about the degradation of the area. And I think every witness has been concerned about it, but with one or two exceptions, everyone who has testified about degradation has not pointed to existing stock ownership and stock raising in the area as a source of degradation.

In almost every instance the degradation pointed to is the visitor's use and not the land owners' use. And I am conscious also of the one or two exceptions to that statement that have been made.

But thank you again for your testimony. I believe there are two others who have indicated a desire to make a statement at this time.

Governor Evans, I understand you want to make a statement. If you would come forward. I think Scott Bedke has also indicated he would like to make a statement. If Mr. Bedke would also come forward at this time.

John, I want to welcome you before the committee. I didn't know you desired to testify or I would have waited to introduce you. But I didn't want to pass the opportunity to note your presence.

STATEMENT OF GOV. JOHN V. EVANS, PRESIDENT D.L. EVANS BANK, BURLEY, ID

Mr. EVANS. Thank you very much, Senator. It is a great pleasure for me to be here today and to lend my strong support behind your efforts to establish a national historic reserve.

Since moving to Burley and to Cassia County, having become the president of the D.L. Evans Bank—my grandfather founded the D.L. Evans Bank in 1904 up at Albion and has worked very closely with the Almo and Elba residents, obviously had visited that particular special Silent City of Rocks area many times.

And if he was here today he would be one of those strong supporters. He was a former state legislator, pioneer businessman, and banker and teacher, so he had a great love for the area. And, once again, if he was here he would commend your efforts.

We all recognize, as has been testified here today, the importance of the historic, geologic, cultural significance of the area. And I won't repeat anything except once again give recognition to those points.

One factor that I do want to recognize and point out is that we have had some very serious, seriously troubling economic times. This county is solely dependent upon agricultural activities for its livelihood. And so if we can look in a direction of diversifying our economic base, then we should do everything we can to accomplish that goal.

The establishment of this particular reserve would do that. It would provide an identity for the City of Rocks and would attract a great number of visitors and tourists to the area.

The area has essentially been protected very well over the period of the years because of its isolation. It is no longer isolated, Senator. 37,000 visitors came to the City of Rocks here last year, and we will see that number doubled over and over again as has been predicted by those who have been testifying here today.

So if we can get this set aside, once again, and provide an opportunity for some young people, some young Idahoans, some young men and women of Elba and Almo or Cassia County to be able to stay here and have jobs.

The tourist industry is our second most important industry. Essentially, we only have two. We have agriculture and tourists. And so if we can attract those people to the area, it will be most meaningful.

So, one particular point I want to stress and commend you for in the development of the comprehensive plan for the area is making sure that local, private interests are involved. We always talk in terms of federal and state and local governments being involved in comprehensive plan development. But this is a case where local people, the land owners themselves, will be there and testifying and participating. And you need to be commended for recognizing the importance of those particular interests.

And so with that, I want to throw my strong support behind your legislation and anything that I can do to support it I will be very happy to do so.

[The prepared statement of Mr. Evans follows:]

S-082148 0054(00)(23-FEB-88-09:39:06) F6602.DOC 01/15/87

Thank you, ladies and gentlemen, very much for your attention and interest. Thank you.

The hearing is adjourned.

[Whereupon, at 12 noon the hearing was adjourned.]

SECURITY AND SERVICE SINCE 1904

D.L. EVANS BANK

397 No. Overland Avenue
Burley, Idaho 83318

The Honorable James A. McClure
United States Senate

It is a pleasure, as the former Governor of Idaho, now President of D. L. Evans Bank, and a resident of Cassia County, to testify at this hearing in strong support to establish the Silent City of Rocks National Reserve. My grandfather, D. L. Evans, the founder of Magic Valley's oldest bank, was an Idaho pioneer, businessman, teacher, and State Legislator who recognized the uniqueness of the "Silent City of Rocks" and I would speculate, he supported plans to set aside and preserve this beautiful natural area for furture generations of Americans to enjoy.

As Idaho pioneer history tells us, in the late 1840's and 1850`s many of the California trail wagon trains traveled through and often camped near the beautiful "Quartz monzonite domes and spires jabbing skyward which appear from a distance like a stone city." Still visible are some of the names and dates of these early explorers visitations marked on the stone with axle grease.

Now almost 140 years later, I'm hopeful that history will record that this generation of forward-looking public leaders and officials had the foresight to recognize the importance of preserving this unique geologic formation. Some residents may ask the question, "Why change the management system that seems to have protected the Silent City rather well?" The answer is that

the isolation of the area has been it's best protection--few people knew its location or could even find it. But with the growing American population of travelers and tourists, the area has ceased to be isolated. Appoximately 37,000 people visited the Silent City in 1986. It has become a popular location to hold family reunions; mountain climbers claim it is one of the best areas anywhere to learn to scale mountain peaks; and many of us just like to visit nature's unique splendors. If you like rare treats, get in a plane and fly over and around the Silent City, and don't forget to take your camera.

One further point I would like to make is our state of Idaho has suffered from a most serious agricultural recession this past eight years and this region is almost solely dependent on the farm and ranch economy. Tourism is our county's second most important industry and the more opportunities we provide the tourist to visit and enjoy, the more jobs and business development this industry will provide.

The Silent City of Rocks can be another opportunity to diversify our industry base and provide another generation with a bright future here in Idaho.

I endorse and support the establishment of the Silent City of Rocks National Reserve.

John V. Evans
President, D. L. Evans Bank

Senator McCLURE. Thank you very much, Governor.
Mr. Bedke.

STATEMENT OF SCOTT BEDKE, ON BEHALF OF THE SOUTHERN IDAHO LIVESTOCK ASSOCIATION, OAKLEY, ID

Mr. BEDKE. I would like to thank the staff and you, Senator McClure, for this chance to testify. I am here as a representative of the Southern Idaho Livestock Association which is—which represents about 150 livestock producers here in Southern Idaho, and with Mike who has already testified.

We are concerned, as an association, about the rights of the property owners and users in this area and that they not be eroded. These concerns have already been voiced. We echo the concerns and the issues raised by Mr. Ward from Almo.

We recognize, of course, the historical importance of the City of Rocks. It is a unique landmark as well as—historically as well as geologically, along the old California Trail. However, we emphasize that the historical livestock uses of this area—we also recognize that the historical uses of this area and insist that the rights of the ranchers be given the highest priority in any pending legislation.

Another issue or concern that has been raised is that of water rights. The Indian Grove area is an important watershed which supplies ranchers in the area with their water. We would request that any—the existing water rights not be usurped by the park entity if it acquired the land from which the water flows. Thank you.

Senator McCLURE. Thank you very much. And that latter point is an extremely important one. And I appreciate the testimony of both of you. Thank you very much.

Are there any others here who would like to be heard? If not, then I would like to thank each and every one of the witnesses who has appeared and all of the citizens in this area who have expressed interest and who, at various times in the past have contributed a great deal to the public dialog and discussion that has led to the revision of the earlier proposals.

As I commented earlier, there is a remarkable contrast between this hearing and that which we held here 11 years ago with respect to a different proposal.

And I think Senator Darrington very aptly summarized it in the attitude of not only himself but many others who had appeared and expressed their opposition to a national monument but can appear and support today the national reserve legislation.

There are significant differences between the two, and those differences have brought forth what might otherwise be called—perhaps appropriately be called an astonishing uniformity of opinion about this particular proposal.

It is very gratifying to me to get to that point where the citizens of these communities that are most directly involved have such uniform approval of the approach that's being taken now.

I think it also is wise to note that the property owners who were more than terribly concerned 11 years ago with the proposal then before us today express approval to the approach while expressing concerns about some details. Important details.

And when I say "some details, 'I don't mean to belittle those concerns. They are important and sometimes vital concerns that must be addressed at some point in the process by legislation, by the legislative hearings that establish the legislative history and record in the development of a management plan which they must be involved in if it is to be a successful enterprise.

But the consistent, long term interest on the part of hundreds if not thousands of Idahoans and citizens of this county and these communities attest of the fact that we are at the point of doing something as we have recognized for years we needed to do. I think we have—these hearings are a very important part of the evolution toward that final solution.

I would invite those who have further comments that may have been stimulated as a result of the hearings or the testimony or the questions that have been asked by various witnesses to submit further testimony to the committee.

The record will remain open for the next two weeks. And, again, if you wish to file comments or additional testimony, contact any of my offices in Idaho or my office in Washington, D.C. or the committee office in Washington, D.C. for the filing of such testimony. It will be made a part of the record when received.

Is there anything further that should come before this meeting at this time?

Senator DARRINGTON. Senator McClure, what is the Congressional timetable, in your mind, with regard to this legislation?

Senator MCCLURE. With the kind of testimony we have had today, I would hope we would be able at the close of the comment period, which would be two weeks from now, to aggregate all of the information that we have collected and then take it before the committee for whatever modification of the legislation is appropriate in view of the testimony and the questions that we received.

We also must get, before proceeding in the committee to final resolution of this matter, we must get the views of the federal government departments and agencies that are involved.

And we hope to have those views in time to proceed—hopefully in time to proceed at least in the committee and hopefully in the Senate this fall. The House of Representatives, of course, has their own timetable and their own requirements. But we will be working with them to move forward as well.

If there be no—yes, sir, Governor.

Mr. EANS. Senator, just one observation. I am a member of the Idaho Centennial Commission. The Idaho Centennial Commission, as you recognize, is emphasizing a point of establishing centennial projects. The City of Rocks has been chosen as one of those projects of the Commission. If you could time it just right, and I know you can do that, the passage of this legislation in the spring of 1990, it would go a long ways to identifying what we did—what we have been doing these last—these next three years, and it will be a fine project for the centennial year.

Senator McClure. Governor, I learned a long time ago, if you got the votes, vote. [Laughter.]

If you are ahead, call the game. And I don't know that I want to delay it in order to get timing if we can move faster than that.

Thank you, ladies and gentlemen, very much for your attention and interest. Thank you.

The hearing is adjourned.

[Whereupon, at 12 noon the hearing was adjourned.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

IDAHO FARM BUREAU FEDERATION

P.O. BOX 167 - 500 WASHINGTON STREET
BOISE, IDAHO 83701
(208) 342-2688

Thomas Geary - President
William Jungert - Vice President
Bill Brown - Executive Vice President

September 1, 1987

Comments on City of the Rocks National Reserve
to
Committee on Energy and Natural Resources
from
Idaho Farm Bureau
by
Tom Geary

On behalf of the Idaho Farm Bureau I would like to thank you for the opportunity to make these comments regarding the Proposed City of the Rocks National Reserve.

As it is proposed the National Reserve designation would allow the City of the Rocks area to be managed and administered by the local residents. This should help defuse much of the concern that generally developes with a national park or wilderness designation.

First, it is very important that language be included to insure farming and ranching in the area be maintained without interruption or inconveniences.

Secondly, the recent decisions in Colorado regarding water rights have been an area of great concern to the members of the Idaho Farm Bureau. We strongly support the efforts of Senator McClure to make sure Congress state what water rights, if any, will be reserved and that any water rights must be addressed in the state of Idaho under state law.

Idaho Farm Bureau has long supported the multiple use concept for management of public lands. We feel that if the above conditions are considered in creation of the reserve both the users of public lands and the City of the Rocks will be protected.

HOME OFFICE: P.O. BOX 4848 • 845 WEST CENTER • POCATELLO, IDAHO 83201 • (208) 232-7914

THE
NATURE
CONSERVANCY

IDAHO FIELD OFFICE
P.O. Box 64 Sun Valley, Idaho 83353 (208) 726-3007

September 1, 1987

The Honorable Senator James McClure
United States Senate
Washington, DC 20510

Dear Senator McClure,

I would like to take this opportunity to comment on your bill S. 1335 to create a City of Rocks National Reserve. The Nature Conservancy supports the preservation of City of Rocks.

Reference is made in the bill that lands within the proposed boundary could only be acquired through gift, easement, or purchase with private funds. While this may appear to be an ideal solution to the acquisition question at first glance, I do not feel it will result in any significant program to acquire the critical lands within the area. There are simply too many demands placed upon the limited funds that organizations such as The Nature Conservancy are able to raise.

I would strongly urge you to include an acquisition appropriation at least large enough to purchase several key parcels in the core of the area. If federal funds for acquisition are not made available I feel that the entire substance of the bill may be placed in jeopardy. Many of the most scenic and significant parcels would surely face ultimate and perhaps irreversible development.

On a final note, the Conservancy has been working with the Forest Service and BLM on a small 310 acre federally owned parcel of unique undisturbed habitat that exists within the proposed boundary and we have recommended it be established as a research natural area. No conflict with present uses exist and this indeed would be a unique attraction within City of Rocks. We urge you to support this designation should you have the opportunity to do so.

Thank you for the opportunity to comment, and The Nature Conservancy will do everything we are able to support your fine efforts on behalf of City of Rocks.

Respectfully submitted,

Guy Bonnivier

Guy Bonnivier
Idaho Director

STAR ROUTE BOX 28
ALBION, IDAHO 83311
(208) 673-6261

August 11, 1987

Senator James McClure
c/o Twin Falls Office
401 Second Street North, Suite 106
Twin Falls, Idaho 83301

Subject: Proposed Senate Bill S. 1335; to establish the City of Rocks National Reserve in the State of Idaho...

I am a land owner in the "core-area" of the proposed reserve and will be unable to attend the hearing on this proposed bill scheduled for August 19, 1987, in Burley, Idaho. For the record I would like to note the following:

In the Study of Management Alternatives for the City of Rocks Area, the alternative for management of the Area as a national reserve clearly indicated an intention to purchase land within the core area where a willing buyer-willing seller agreement could be reached. The phrasing "willing buyer-willing seller" was chosen to allow landowners an option to sell land rather than to attempt to operate under conditions of the reserve, and the government to purchase said land at prices which were not unduely inflated for the locale. Those not electing to sell were also protected by the willing buyer-willing seller concept. It was further established under the national reserve alternative that the U.S. Congress would " authorize the appropriation of a portion of the funds necessary for planning, land acquisition, development, operation, and maintenance.

Proposed S. 1335, Sec 3.(d)(1) avoids this aspect of the approved Study by talking of land acquisition in terms of "...donation, purchase with donated funds, or exchange" or, that "The Secretary shall give prompt and careful consideration to any offer made by an individual owning property within the reserve to sell property, if such individual notifies the Secretary that the continued ownership of such property is causing, or would result in, undue hardship." This provision was never a part of any management alternative in the City of Rocks Study and clearly sets the tone of an adversarial relationship between any landowner considering sale and government. Demonstration of hardship is an extremely vague concept and any request for land sale would be made on a playing field without rules. The language of S. 1335, Sec.3.(d)(1) should be re-written to reflect the positive relationship of "willing buyer-willing seller" and the $2,000,000 appropriation requested in Sec.3.(g) should clearly be earmarked, in part, for land acquisition.

Sincerely,

Jim D. Kempton

2006 Sherry Lane
Twin Falls, Idaho 83301
August 17, 1987

Honorable James A. McClure
United States Senate
401 2nd St. North
Suite 106
Twin Falls, Idaho 83301

Dear Senator:

I have the following comments concerning classification of the "City of Rocks" Area:

I recommend that Alternative B-1 (Management by Forest Service) of the study report be adopted for the following reasons:

1. Forest Service management, offices, etc. are already in place, so costs would be minimized.
2. The Forest Service has had much experience in managing and planning similar areas such as the Mono Lake National Scenic Area, Mt. St. Helens Area, Cascade Head Area, and several National Recreation Areas. The Sawtooth NRA is a unit of the Sawtooth National Forest; so, expertize is available on-board to plan and operate the City of Rocks Area.
3. Most of the private land would remain in private ownership with taxes paid to County and State. Only scenic easements would be acquired to control development on private lands. Ranching operations would remain. These ranching operations add to the "flavor" of the area.
4. Local Zoning as proposed in the "Reserve" Bill would likely not provide the protection needed for the significant values of the Area. Local Zoning in Idaho has not always been effective.
5. State of Idaho funds have not been readily available for operation of State Parks. For examples: closure of the Massacre Rocks Visitor Center, and the shortened season for Malad Gorge State Park.

Whatever recommendation is finally adopted, I strongly recommend that significant developments, such as roads and campgrounds, not be installed in the core area. This type of development would signifacantly detract from the natural beauty and natural values of the area.

Thank you for your consideration.

Sincerely,

Robert Hoag

Robert Hoag

A suggestion concerning S. 1335 creating a City of Rocks reserve:

Some small private land holdings omitted from its 10,320 acres are of exceptional importance and should be added because they include important California Trail ruts that have survived adjacent to City of Rocks. These are superior to other tracks in this area and contain a major California road junction from Salt Lake. They are a major public attraction and are more fragile than most other features there.

Merle Wells
National Park Service study participant.

This hearing has been conducted exceptionally well and is of great importance to City of Rocks.

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